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Nos. 05-204, 05-254, 05-276, 05-439

IN THE

Supreme Court of the United States

LEAGUE OF UNITED LATIN AMERICAN CITIZENS, *et al.*,
Appellants,

v.

RICK PERRY, *et al.*,
Appellees.

On Appeal from the United States District Court for the Eastern District of Texas

JOINT APPENDIX
Volume II of II

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TABLE OF CONTENTS

Relevant Docket Entries, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex.).....1

Expert Report of John R. Alford (Nov. 14, 2003).....13

Expert Report of Allan J. Lichtman (Nov. 14, 2003).....56

Declaration of Ryan Robinson (Nov. 14, 2003).....170

Expert Report of Ronald Keith Gaddie (Nov. 21, 2003).....173

Excerpts of Deposition of Keith Gaddie (Nov. 22, 2003).....217

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 11, 2003) [1:00 pm session]

Congressman Charlie Gonzalez [pp 117-19].....231
Professor Allan Lichtman [pp 152-54, 166-67].....233

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 12, 2003) [9:30 am session]

Professor Allan Lichtman [pp 82-83].....235

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 12, 2003) [3:00 pm session]

Mayor Ron Kirk [pp 4-10].....236
Commissioner Roy Brooks [pp 37, 41-43].....241
Congressman Ruben Hinojosa [pp 48-49].....243
Congressman Martin Frost [pp 59-60, 69-72, 92-93, 95-96].....244

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 15, 2003) [1:00 pm session]

Professor John Alford [pp 17-18, 24-25].....249

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 16, 2003) [8:30 am session]

Professor Richard Engstrom [pp 53-57, 63-64].....251

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 16, 2003) [1:00 pm session]

Professor Jerry Polinard [pp 40-41, 50-51] 254

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 17, 2003) [1:00 pm session]

Senator Royce West [pp 125-34].....255
Congresswoman Eddie Bernice Johnson [pp 152-56, 166, 168-70].....262

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 18, 2003) [8:30 am session]

Representative Bob Davis [pp 73-74, 84-90, 92-93, 114-15].....266

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 18, 2003) [1:00 pm session]

Representative Bob Davis [pp 6, 25-26, 36-37] 273
Representative Ron Wilson [pp 65, 68-70, 73-74, 86-88, 90].....275
Representative Phil King [pp 135-40, 152-53].....281

Excerpts of Trial Transcript Proceedings, *Session v. Perry*, Case 2:03-cv-00354-TJW (E.D. Tex. Dec. 19, 2003) [8:00 am session]

Todd Giberson [pp 7-8, 18-25, 76-78] 286

Jackson Plaintiffs' Color Map of the Court-Drawn 2001 Plan 295

Jackson Plaintiffs' Color Map of the 2003 Plan 296

Jackson Plaintiffs' Silhouette of District 25 in the 2003 Plan 297

Jackson Plaintiffs' Population Density Map of District 25 in the 2003 Plan 298

LULAC Plaintiffs' Exhibit 1 299

LULAC Plaintiffs' Exhibit 3 300

LULAC Plaintiffs' Exhibit 4 303

LULAC Plaintiffs' Exhibit 15 306

LULAC Plaintiffs' Exhibit 17 307

Expert Report of Todd Giberson (Nov. 21, 2003) 309

State's Exhibit 24 337

State's Exhibit 43 338

State's Exhibit 57 339

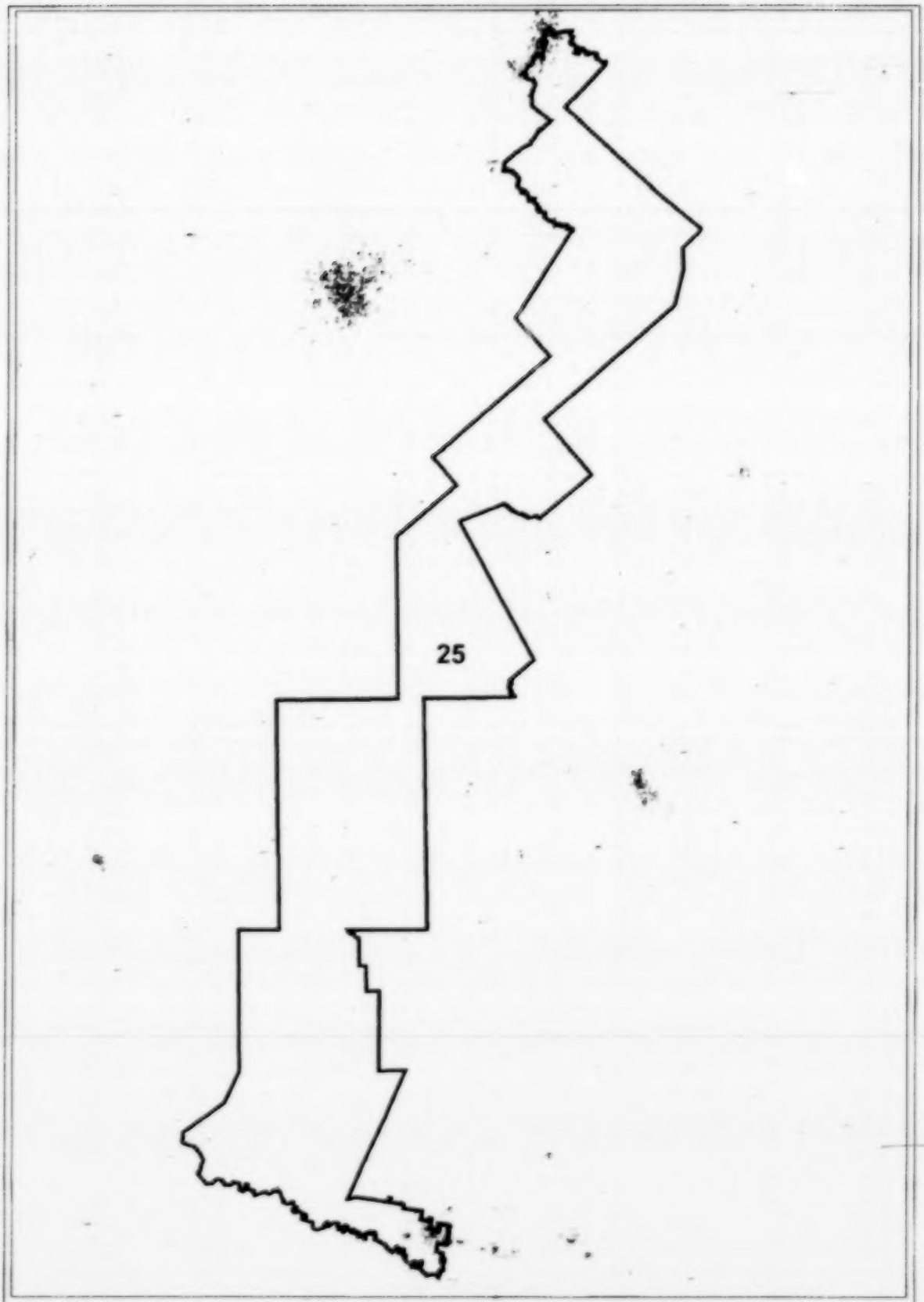
State's Exhibit 58 340

BEST AVAILABLE COPY

DISTRICT 25

U.S. Congressional Districts
HB3 as Enacted by the 78th Legislature 10-12-03
PLAN 01374C

Source: PLAN01374C



U.S. Congressional District 25
HB3 as Enacted by the 78th Legislature 10-12-2003
PLAN01374C
with Population Density per Square Mile
by Census Block Group

Comparison of minority opportunity districts of Plan 1151C to Plan1374C

Plan 1151C			Plan 1374C		
District	% Min pop/vap*	%SSR	District	%Min pop/vap	SSR**
			9	70.4/66.2	
10	44.4/39.2		10	28.2/25.7	
15	79.6/75.9	67	15	71.8/62.2	56.7
16	80.7/77.8	67.5	16	77.8/67.5	67.5
18	75.1/70.8		18	76.1/72.2	
20	73.8/69.9	61.5	20	74.1/70.3	59.9
23	68.2/64.6	55.3	23	56.9/47.9	44.0
24	60.2/54.6		24	28.0/24.9	
25	57.4/52.3		25	76.2/71.1	
27	71.6/69.7	61.6	27	70.7/66.8	58.0
28	77.3/73.6	59.6	28	70.766.6	54.3
29	77.1/72.6	42.5	29	76.0/71.3	45.9
30	72.1/67.7		30	76.1/71.4	

In these districts the minority community has an opportunity to elect candidates of their choice.

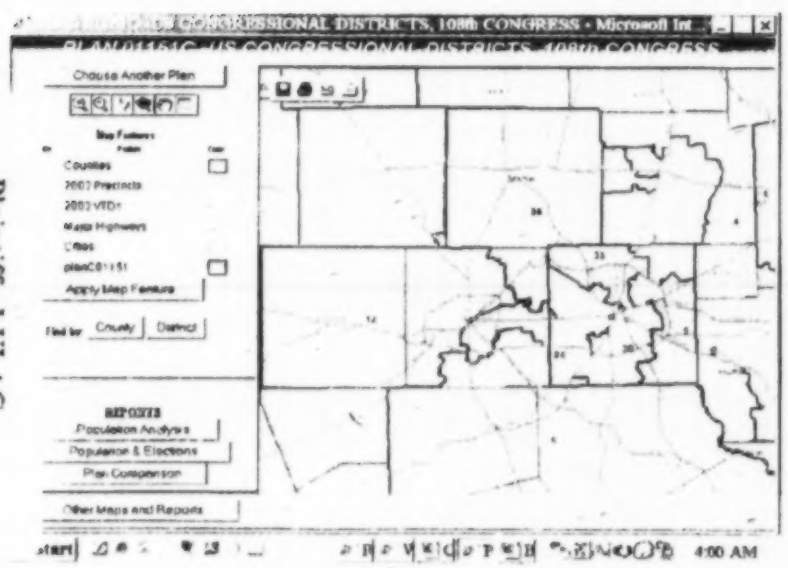
* min = minority; pop = population; vap = voting age population

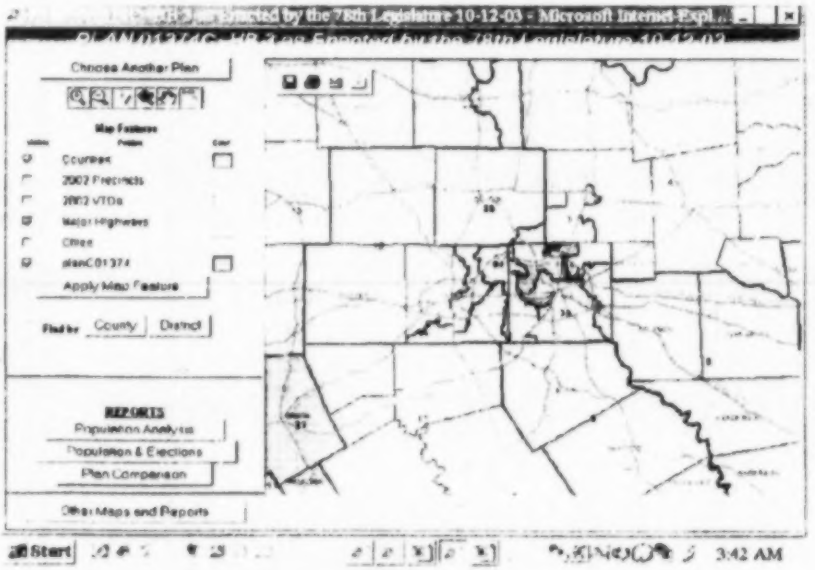
** Spanish Surnamed Registration

DISTRICTS 10, 15, 23, AND 24 ARE LOST AS MINORITY DISTRICTS

Analysis of Congressional Districts In the Dallas and Ta[illegible]t County Area Current Plan (1151C) Plan on Submission 74C)

		Total Population				Voting Age Pop			Reg. Voters		Turnout	
		Total	%B	%H	%B+H	%B	%H	%B+H	Total	%SSnam	Total	TO/VR
PLAN 1151C	3	651,620	7.1	14.4	21.3	6.4	12.9	19.1	335,445	5.9	157,498	47.0%
	5	651,620	16.4	17.7	33.9	14.9	15.3	30.1	306,961	7.2	141,716	46.2%
	6	651,620	10.8	13.5	24.1	9.7	11.7	21.3	343,374	7.3	167,892	48.90%
	12	651,619	4.9	19.9	24.6	4.6	17.1	21.6	324,442	9.5	158,099	48.7%
	24	651,619	22.7	38.0	60.2	21.4	33.6	54.6	251,553	18.0	114,181	45.40%
	30	651,620	41.4	31.1	72.1	40.3	27.7	67.7	278,429	11.4	120,357	43.20%
	32	651,620	8.3	36.2	44.3	7.8	31.4	39.0	268,513	13.3	140,186	52.20%
PLAN 1374C	3	651,619	9.9	16.9	26.6	9.1	15.3	24.3	314,404	6.3	146,510	46.6%
	6	651,619	13.5	15.9	29.2	12.3	13.9	26.0	326,828	7.1	160,092	49.0%
	12	651,619	6.1	23.7	29.6	5.7	20.4	26.0	311,607	11.3	151,407	48.6%
	24	651,620	10.3	17.9	28.0	9.3	15.8	24.9	305,770	8.8	148,013	48.4%
	26	651,619	16.1	14.3	30.2	15.0	12.5	27.4	339,722	5.8	161,292	47.5%
	30	651,620	42.3	34.2	76.1	41.0	30.7	71.4	275,776	12.5	119,705	43.4%
	32	651,619	9.7	27.4	36.9	9.1	24.1	33.0	278,740	8.3	148,621	53.3%





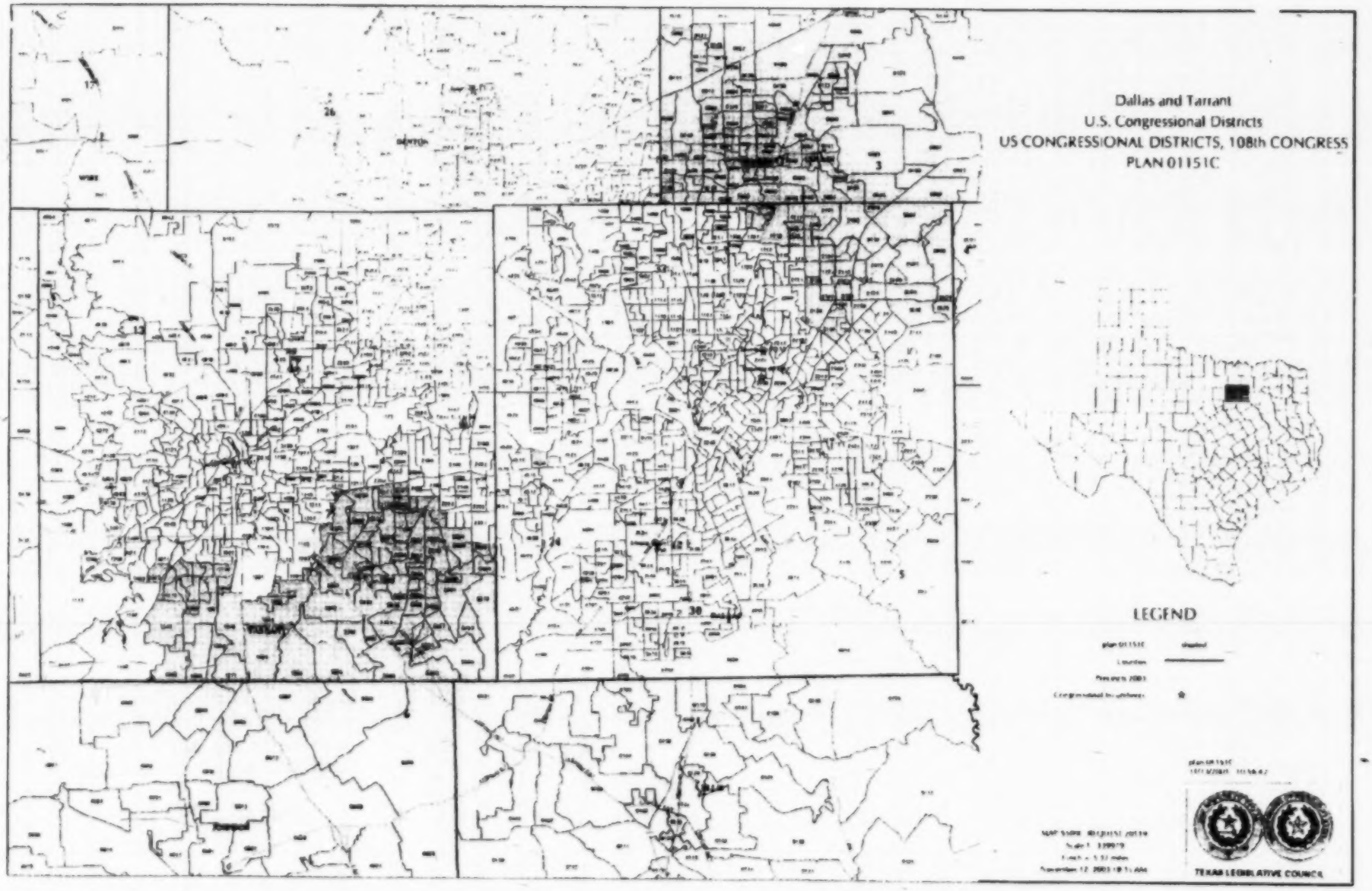
In 1151C, the minority community in Tarrant County was connected with a significant part of the Hispanic Community in neighboring Dallas County

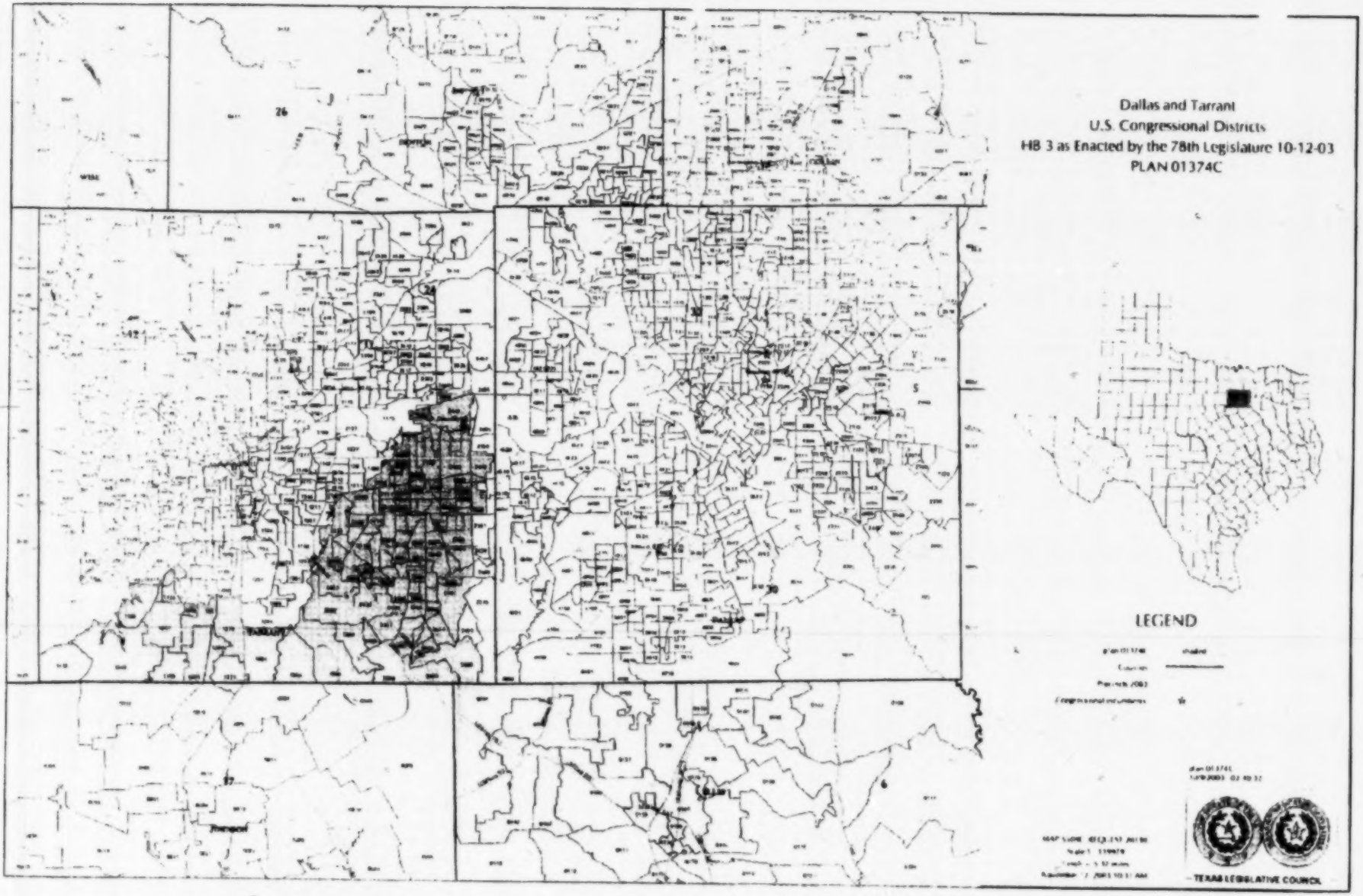
In 1374C (on submission), the minority community in Tarrant County is divided among three districts (6, 12, and 26) and the Hispanic Community

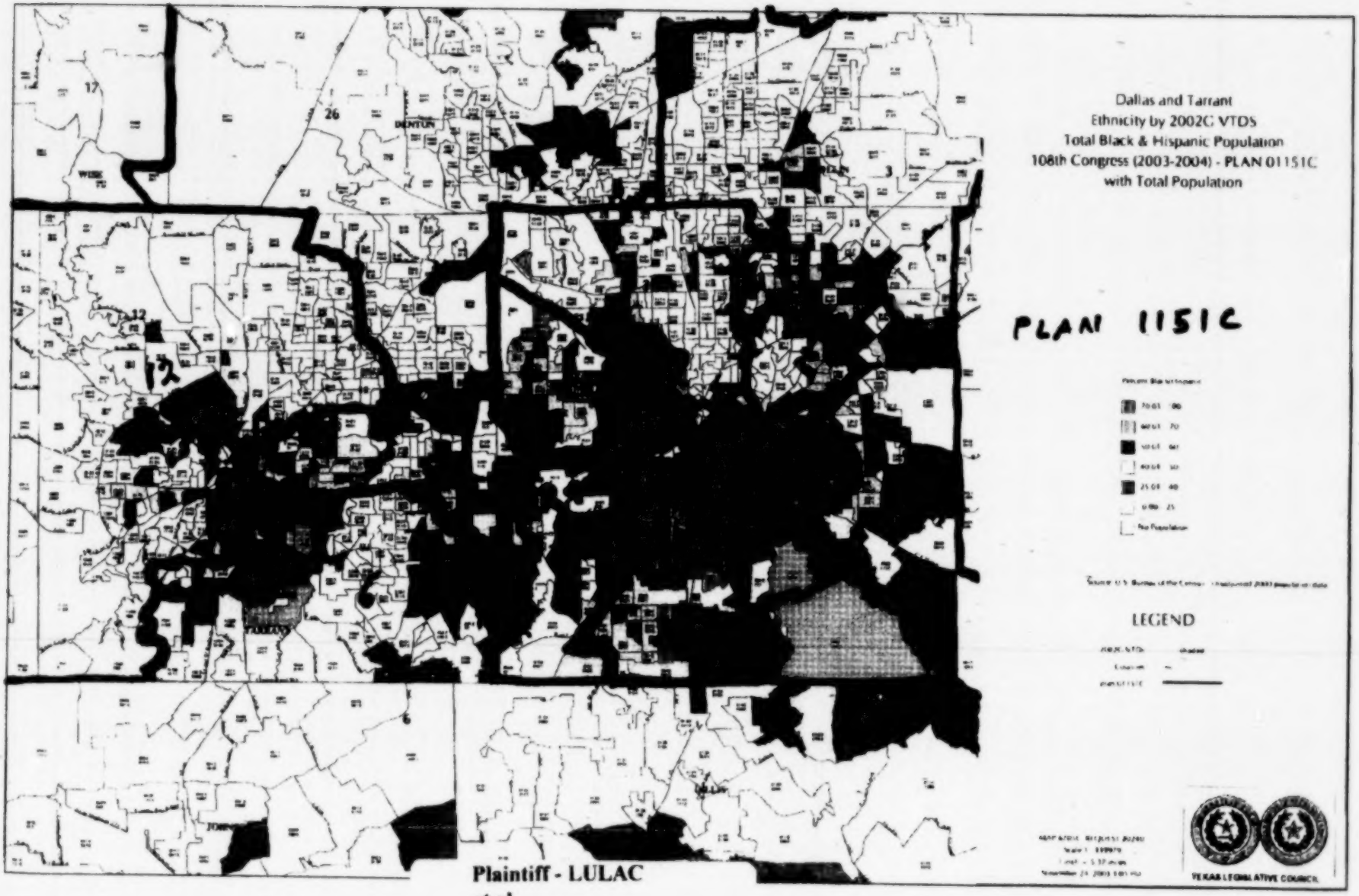
Plaintiff - LULAC et al.

Exhibit No. 3

300

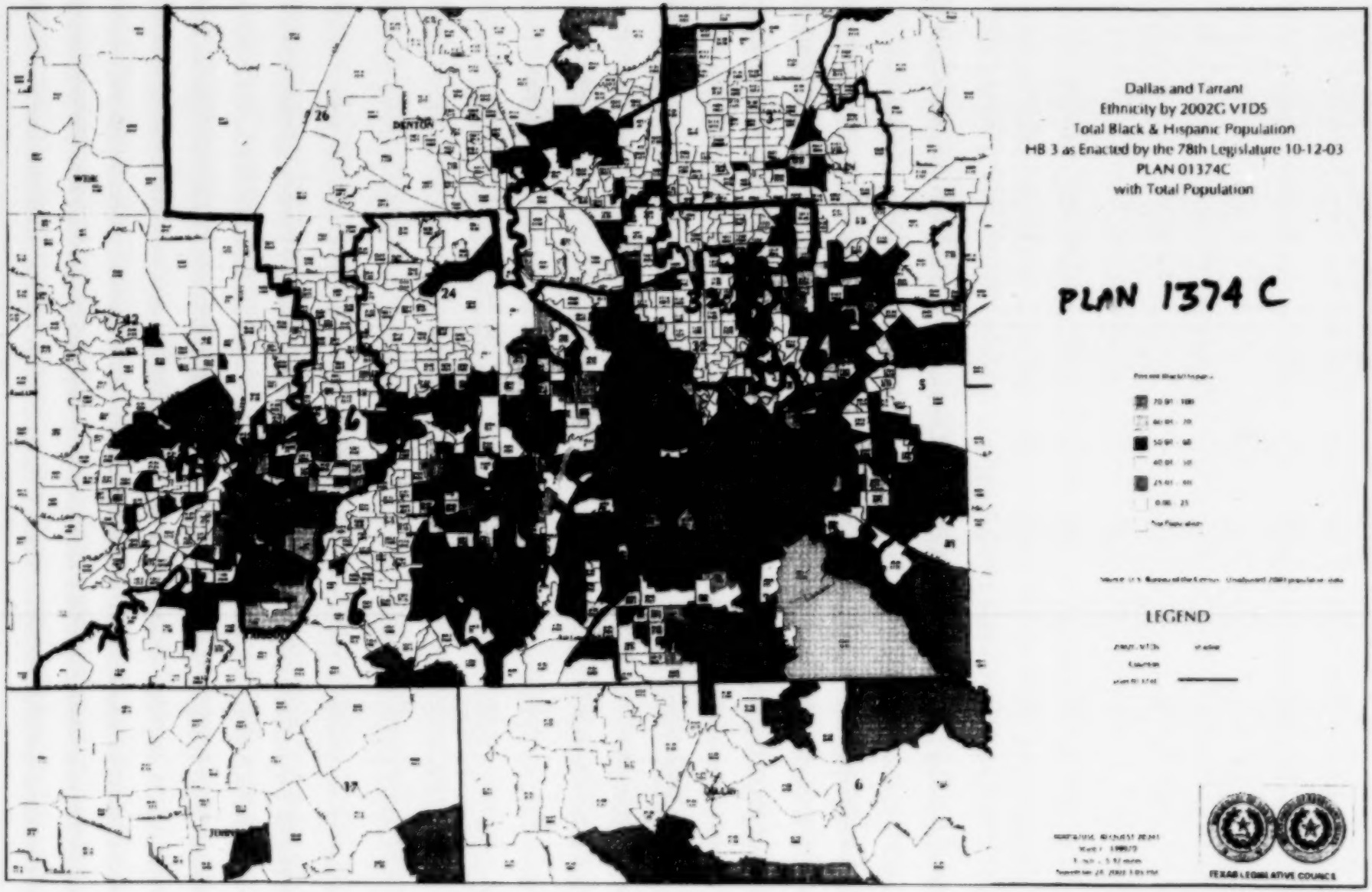

Dallas and Tarrant
U.S. Congressional Districts
US CONGRESSIONAL DISTRICTS, 108th CONGRESS
PLAN 01151C
LEGEND
TEXAS LEGISLATIVE COUNCIL

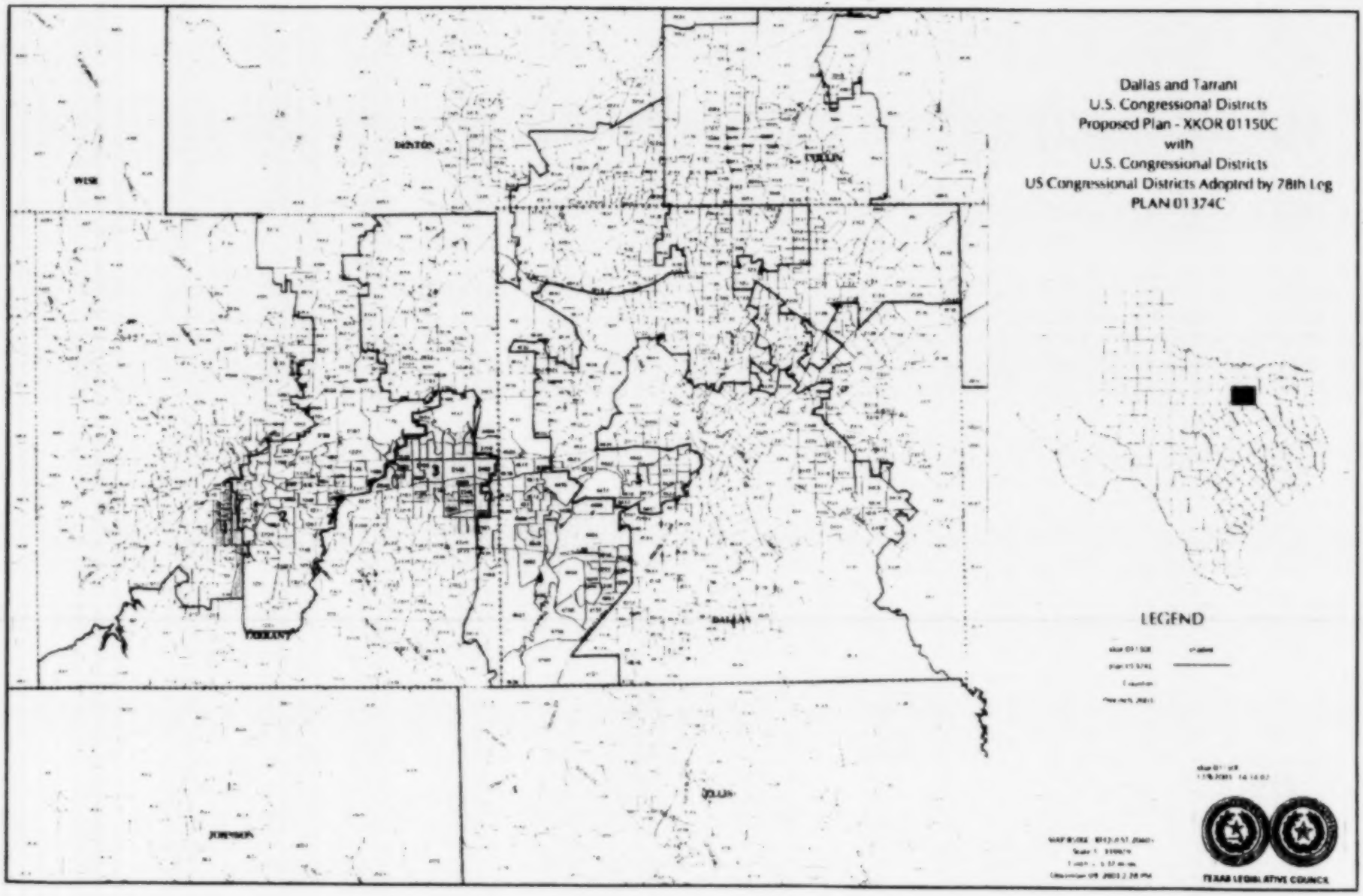

Dallas and Tarrant
U.S. Congressional Districts
HB 3 as Enacted by the 78th Legislature 10-12-03
PLAN 01374C
LEGEND
TEXAS LEGISLATIVE COUNCIL



Plaintiff - LULAC et al.

Exhibit No. 4


Dallas and Tarrant
Ethnicity by 2002C VTDS
Total Black & Hispanic Population
HB 3 as Enacted by the 78th Legislature 10-12-03
PLAN 01374C
with Total Population
PLAN 1374 C
LEGEND
TEXAS LEGISLATIVE COUNCIL


Dallas and Tarrant
U.S. Congressional Districts
Proposed Plan - XKOR 01150C
with
U.S. Congressional Districts
US Congressional Districts Adopted by 78th Leg
PLAN 01374C
LEGEND
TEXAS LEGISLATIVE COUNCIL

District 23 Study--A Recreation of Elections Involving Hispanic and Anglo Candidates in the Current (1151C) and Newly Adopted (1374C) Congressional Districts

		1151C		1374C		Statewide
		2002 Republican Primary District 23				
Office	Candidate	Vote	Percent	Vote	Percent	Percent
S. Ct. Place 4	Rodriguez - R	6,384	50.5%	10,178	47.6%	46.2%
	Smith - R	6,246	49.5%	11,213	52.4%	53.8%
VOTER REG (VR)		338,954		361,599		
SPANISH SURNAME VR AND SSVR/VR		184,117	54.3%	157,583	43.6%	20.5%
TURNOUT (TO) and TO/VR		14,953	4.4%	25,077	6.9%	6.9%
		2002 General Election District 23				
U.S. SENATOR	Cornyn - R	68,124	46.8%	89,953	56.2%	56.1%
	Kirk - D	77,553	53.2%	69,964	43.8%	43.9%
GOVERNOR	Perry - R	68,827	45.7%	91,548	56.0%	59.1%
	Sanchez - D	81,649	54.3%	71,811	44.0%	40.9%
SUPREME CT 2	Schneider - R	63,116	44.5%	83,897	54.2%	57.4%
	Yanez - D	78,824	55.5%	70,997	45.8%	42.6%
SUPREME CT 4	Smith - R	61,498	43.2%	81,228	52.1%	54.1%
	Mirabal - D	80,712	56.8%	74,649	47.9%	45.9%
CT CRIMINAL APPEALS 1	Cochran - R	66,631	47.4%	88,639	57.7%	59.3%
	Molina - D	73,877	52.6%	64,993	42.3%	40.7%
Democratic			52.5%		43.2%	42.1%
Republican			47.5%		56.8%	57.9%
VOTER REG (VR)		342,674		362,153		
SPANISH SURNAME VR AND SSVR/VR		189,340	55.3%	159,180	44.0%	20.4%
TURNOUT (TO) and TO/VR		154,392	45.1%	167,679	46.3%	44.4%

Only one hispanic candidate has defeated an Anglo in new district 23. That was in the 1998 general election where Justice Garza defeated Mr. Henderson in the g
However, in the Republican primary, Mr. Garza was defeated in new District 23

Plaintiff - LULAC
et al.

Influence Districts In Current Plan (1151C)

2002 Dem. Primary	Estimated % Anglo Votes for Candidate	Estimated % Hisp Votes for Candidate	Estimated % Black Votes for Candidate	Estimated Anglo Influence %	Estimated Hispanic Influence %	Estimated Black Influence %	Estimated % total Votes in District	Actual % of Total Votes in District	Actual % of Total Votes in Election	Distribution of Votes: Anglo Turnout %	Black Turnout %	Hispanic Turnout %	Anglo %	Black %	Hisp. %
Cong. # 1 SANDLIN, MAX	100.0%	0.00%	100.0%	79.7%	0.0%	20.3%	100.0%	100.0%	100.0%						
Turnout 7.1%										14.5%	0.0%	10.8%	79.7%	20.3%	0.0%
2002 General Election															
Cong. # 1 LAWRENCE, JOHN	51.3%	0.0%	0.0%				45.6%	43.3%	43.6%						
SANDLIN, MAX	48.7%	0.0%	100.0%	79.5%	0.0%	20.5%	54.4%	56.7%	56.4%						
Turnout 30.70%										33.8%	0.0%	15.5%	88.9%	11.1%	0.0%
2002 Dem. Primary															
Cong. # 2 TURNER, JIM	100.0%	0.0%	100.0%	90.3%	0.0%	9.7%	100.0%	100.0%	100.0%						
Turnout 12.9%										14.5%	0.0%	10.8%	90.3%	9.7%	0.0%
2002 General Election															
Cong. # 2 BROOKSHIRE, VAN	43.5%	0.0%	0.0%				39.3%	38.1%	38.6%						
TURNER, JIM	56.5%	0.0%	100.0%	84.3%	0.0%	15.7%	60.7%	61.9%	61.4%						
Turnout 29.5%										33.8%	0.0%	15.5%	90.4%	9.6%	0.0%
2002 Dem. Primary															
Cong. # 4 HALL, RALPH M	100.0%	100.0%	100.0%	70.4%	2.5%	27.2%	100.0%	100.0%	100.0%						
Turnout 4.9%										3.6%	3.0%	15.0%	70.4%	27.2%	2.5%
2002 General Election															
Cong. # 4 GRAVES, JOHN	46.4%	0.0%	0.0%				43.3%	41.1%	41.1%						
HALL, RALPH M.	53.6%	0.0%	100.0%	88.2%	0.0%	11.8%	56.7%	58.9%	58.9%						
Turnout 36.0%										41.4%	0.0%	14.1%	93.3%	6.7%	0.0%
2002 Dem. Primary															
Cong. # 9 LAMPSON, NICK	100.0%	0.0%	100.0%	59.0%	0.0%	41.0%	100.0%	100.0%	100.0%						
Turnout 9.4%										7.4%	0.0%	17.3%	59.0%	41.0%	0.0%
2002 General Election															
Cong. # 9 LAMPSON, NICK	45.6%	0.0%	100.0%	67.40%	0.0%	32.6%	55.4%	59.3%	59.3%						
WILLIAMS, PAUL	54.4%	0.0%	0.0%				44.6%	40.7%	40.7%						
Turnout % 31.6%										36.9%	0.0%	23.3%	81.9%	18.1%	0.0%
2002 Dem. Primary															
Cong. # 11 EDWARDS, CHET	100.0%	0.0%	100.0%	96.4%	0.0%	3.6%	100.0%	100.0%	100.0%						
Turnout % 4.7%										6.5%	0.0%	0.0%	96.4%	3.6%	0.0%
2002 General Election															
Cong. # 11 EDWARDS, CHET	43.7%	0.0%	100.0%	97.5%	0.0%	2.5%	44.3%	52.9%	52.3%						
FARLEY, RAMSEY	56.3%	0.0%	0.0%				55.7%	47.1%	47.7%						
Turnout % 30.5%										46.8%	0.0%	0.0%	98.9%	1.1%	0.0%

Plaintiff - LULAC et al.

Exhibit No. 17

Influence Districts in Current Plan (1151C)

		Estimated % Anglo Votes for Candidate	Estimated % Hisp. Votes for Candidate	Estimated % Black Votes for Candidate	Estimated Anglo Influence %	Estimated Hispanic Influence %	Estimated Black Influence %	Estimated % total Votes in District	Actual % of Total Votes in District	Actual % of Total Votes in Election	Anglo Turnout %	Black Turnout %	Hispanic Turnout %	Distribution of Votes: Anglo %	Black %	Hisp. %
2002 Dem. Primary																
Cong. # 17	STENHOLM, CHAS	100.0%	100.0%	0.0%	94.5%	5.5%	0.0%	100.0%	100.0%	100.0%						
Turnout %	8.10%													0.0%	0.0%	15.0%
2002 General Election																
Cong. # 17	BECKHAM, ROB	51.9%	0.0%	0.0%				50.5%	48.0%	48.0%						
	STENHOLM, CHAS	48.1%	100.0%	0.0%	94.5%	5.5%	0.0%	49.5%	52.0%	52.0%						
Turnout %	27.90%										29.6%	4.5%	34.9%			
2002 Dem. Primary																
Cong. # 25	BELL, CHRIS	31.1%	0.0%	33.0%				31.4%	35.9%	35.9%						
	COLBERT, PAUL	47.0%	0.0%	0.0%	47.6%	0.0%	52.4%	22.6%	20.8%	20.8%						
	KING, STEPHEN	21.9%	100.0%	4.6%				14.9%	16.8%	16.8%						
	ROBINSON, CARROLL	0.0%	0.0%	62.4%				31.2%	26.5%	26.5%						
Turnout %	5.10%										4.6%	0.0%	11.7%	48.0%	49.9%	2.1%
2002 General Election																
Cong. # 25	BELL, CHRIS	37.0%	0.0%	100.0%	56.0%	0.0%	44.0%	51.2%	56.0%	56.0%						
	REISER, TOM	63.0%	0.0%	0.0%				48.8%	44.0%	44.0%						
Turnout %	25.70%										42.6%	0.0%	20.6%	77.4%	22.6%	0.0%

Expert Report of Todd Giberson

In Texas, three districts in the Congressional plan passed by the legislature in 1991 were struck down as racial gerrymanders, districts 18, 29, and 30. It is worth noting that 24 of the 30 districts in that plan (known as Plan C657) were challenged and six were not challenged at all; thus 27 of the districts in that plan survived the court's scrutiny. It is instructive to look closely at the districts from Plan C657 as well as districts from other plans when evaluating the plan currently before the court, Plan 01374C.

Compactness Measures

Generally, measures of compactness are mathematical formulae or ratios designed to assess the geometric compactness of a district's shape. In the Texas Legislative Council's RedAppl computer system two common measures of compactness are readily available to those drawing district lines: a "perimeter-to-area" ratio and a "smallest circumscribing circle" measure. The perimeter measure compares the perimeter of the district boundary to the area covered by that district using the formula $\mathbf{P^2/4\pi A}$ where P is the perimeter and A the area of the district. For the circle measure, first the dimensions of the smallest circle are found that will circumscribe or completely enclose the district. The area of that circle is then divided by the area of the district to arrive at the score. In both cases a perfect circle would receive a value of 1.0 and less regular shapes would increasingly receive higher scores.

An accompanying chart compares the perimeter compactness measures of Congressional plans C657, 01000C, 01151C, and 01374C. Plan 01000C is the original

court-ordered plan C746 which replaced C657, and was subsequently renumbered as the benchmark plan entering the 2001 round of redistricting. Plan 01151C is the court-ordered plan used in 2002. Looking at the chart, one will readily see that the districts in Plan 01374C more closely resemble the districts in 01000C and 01151C. No district in 01374C approaches the levels of non-compactness exhibited in C657. The three districts struck down from C657 are far beyond the reach of any district from the new configuration. From Plan C657 districts 18, 29, and 30 have perimeter scores of 106.3, 141.0 and 69.0 respectively. District 25 with a value of 55.2 was not among those successfully challenged. The least compact district in 01374C is district 15 with a score of 11.6 which is slightly more compact than the least compact district in 01151C (district 25 with a score of 11.8). [see accompanying tables].

A second chart compares the smallest circle compactness measures of the same four Congressional plans. It can be seen that most of the districts in 01374C are at or below the highest values found in any of the other plans, including 01151C. The exceptions are districts 15 and 25 with values of 6.5 and 8.5, respectively. These districts will be discussed in more detail later.

It is appropriate here to discuss North Carolina's district 12 which was the subject of the original *Shaw v. Reno* case. In its original configuration district 12 was a wispy-thin delineation extending from Gastonia/Charlotte on the southwest to Durham at its other extremity – taking bits and pieces of Winston-Salem, Greensboro and other cities along the way. When measures of compactness are calculated the district reports a perimeter compactness value of 82.2 and a comparatively whopping circle measure of 21.7. In the 90's,

the final disposition of district 12 was a reconfiguation extending only from Charlotte to Greensboro carrying a perimeter compactness of 24.3 and a smallest circle value of 8.6. The district in this new configuration was upheld by the U. S. Supreme Court in April of 2001.

No specific numeric values of compactness have been established as the cut-off point between what is acceptable and what is not. Nor should they be, given the limitations associated with the various measures. However, compactness measures can be useful in comparing plans and in assessing the general nature of the district lines. It can be seen from an examination of the data that the districts in 01374C are solidly within the realm of acceptability patterned by the courts.

Creating Districts Block by Block

The primary cause for objection to districts 18, 29, and 30 in Plan C657 was the way line-drawers picked apart neighborhoods block by block to include or exclude population based soley on the racial or ethnic makeup of those blocks. There appeared to be little regard for smooth boundaries or for following VTD (precinct) lines, city limit lines or other natural boundaries. A visual inspection of the shape of the three overturned districts will reveal the extreme degree to which thin fingers would reach out to snatch one block here, two blocks there. [see silhouette maps in appendix]. In Plan 01374C closer attention is paid to following more natural boundaries. The new district 25, for example, is composed almost entirely of whole counties. The northern cuts of district 28 in Comal and Hays counties are an attempt to follow VTD lines. Boundaries often adhere to city limits though sometimes to the detriment of compactness, as is the case with the inclusion of Harlingen (strip annexations and

all) into district 15. There are a few rough spots caused often by the swapping of blocks when zeroing out the population deviations among districts but the exceptions are not evidence of the type of linedrawing used and struck down in the 1990's.

Cuts into Counties

The cuts of the new district 28 into Hays and Comal counties are noted above. In the far northern reach of the district is the city of Buda and a strange looking appendage sticking out to the northwest. That appendage extends to the Oxbow Subdivision, the boundary following the old city limit of Buda and accompanying VTD line ("old" because there have been recent annexations). The appendage into Oxbow, part of the majority-minority district 28, is 97% Anglo. If race really were the predominating factor in drawing the district, then such appendages might easily have been clipped off. By itself it is not sufficiently populous to alter the minority composition of the district, but the fact that the Oxbow Subdivision remains in 28 attests to the preeminence of factors other than race as the overriding principles by which districts were created.

Compare the cut of the new district 28 into Comal county with district 28 from Plan C657. The cuts are almost identical. District 28 was one of the districts challenged in *Vera v. Richards* along with 18, 29 and 30. District 28 was not struck down; rather it was carried forward in the court-ordered remedy, 01000C.

Much has been said of the new district 25 which reaches from Hidalgo and Starr counties into Travis county. Some have said that the way the Hispanic population has been "split" into district 25 is of itself evidence of racial

gerrymandering. But is the cut into Travis county really driven predominantly by race or ethnic considerations? To answer this question we can say first of all that the boundary of district 25 in Travis county is not very irregular nor does it go to any great lengths to separate Hispanics from the neighboring districts. Moreover we can analyze the characteristics of the population near the district line, just inside the district and just outside the district. [see accompanying map of the Travis portion of 25]

The analysis is accomplished by first selecting the VTD's that lie on or adjacent to the district boundary of 25 as it cuts through the county (VTD's serve as a unit of convenience in conducting the analysis). Statistics are then compiled for the portions of those VTD's inside district 25 and for the portions just outside 25 in adjoining districts. One would expect that when a majority-minority district is adjacent to a non-minority district that there would be some drop in minority percentage from inside the district to just outside. Steeper drops in minority percentage, inside to outside, might indicate that race or ethnicity played more of a role in where the line was drawn, particularly if the line is irregular in shape.

A demonstration district will illustrate the point. Beginning with the Plan 01374C district 25 in Travis county one can first search along the boundary and bring into the district areas (at the block level) that are predominantly Hispanic. Passing along the border again, predominantly non-Hispanic blocks can be removed until the district populations are back in balance. A district boundary created in this manner can be seen in the accompanying map. By shape alone one can see that race/ethnicity has become much more of a factor in determining where the line was drawn. But what does the analysis show?

Referring to the accompanying table, the percent Hispanic (% H) inside the demonstration district 25 is 52.70 while the total Hispanic percent outside the demonstration district is 24.85, a drop of 27.85%. Likewise drops can be seen in % H VAP (Percent Hispanic Voting Age Population) and % Span (Percent Spanish Surname Registered Voters). Now refer to district 25 as it is configured in 01374C. The drop in percent Hispanic is only 13.91 (dropping from 42.10% to 28.19%), roughly half that of the demonstration plan. A real world comparison might be to look again at the cut of Comal county by district 28 in plan 01000C. The table shows a much steeper drop in percent Hispanic inside to outside the district, nearly 40 points (a 39.23 drop from 57.38% to 18.15%). Recall that this district 28 was challenged but upheld by the courts.

Coupled with visual inspection this analysis shows that race or ethnicity is not a primary factor in determining the boundary of district 25 in Travis county.

Districts 25 and 15 Revisited

Much has also been said concerning the mere extension of a district from the Rio Grande into Travis county (district 25) or into Bastrop county (district 15) some 300 miles away. It is not uncommon in Texas to have districts extending across large chunks of sparsely populated land, often connecting parts of distant cities with little in common but the state flag they fly. For example, district 23 in any recent Congressional plan extends from the outskirts of El Paso down to Laredo, dipping into San Antonio and spanning 540 miles.

State Senate districts, because they are nearly equal in population to Congressional districts, can also be useful for reference. The current Senate district 19 extends over 500 miles from El Paso to San Antonio and district 31 begins at the Oklahoma border and spans 400 miles reaching to Crane county south of Odessa. Notably Senate district 31 bypasses the nearby population center of Lubbock to connect the upper Panhandle to the Permian Basin with a one-column thin strip of counties. A demonstration plan of Hispanic congressional districts offered by the G. I. Forum (Plan 01380C) envisions a district 15 anchored in the Valley and extending into Colorado county, less than an hour's drive from Houston. The three hundred miles from the McAllen to Austin is not unreasonable. In fact, once the decision was made to add another district emanating from the Valley it became necessary to extend those districts farther north than the pre-existing Valley district footprint.

Conclusion

Having analyzed many districts, districts overturned by the courts and districts upheld, districts in Texas and districts in other states, nothing in Plan 01374C embodies the racial gerrymandering contemplated by the Supreme Court in *Shaw*. No district in 01374C can match the characteristics of the three districts overturned in Plan C657. Districts in 01374C under attack as racial gerrymanders bear resemblance to or fare better than districts upheld in previous court cases. No extraordinary steps were taken to separate populations based simply on race or ethnicity. In many cases care was taken to keep counties, VTD's and cities whole. Empirical data support these conclusions.

Todd Giberson 11/21/03

Todd Giberson, a staff analyst for the Texas Office of the Attorney General, graduated Summa Cum Laude from Southwest Texas State University with a degree in Geography and was selected as "Outstanding Senior" in his final year. He served as a Programmer/Analyst at the Texas Legislative Council during the 1990's round of redistricting when the original RedAppl redistricting software was developed. Todd came to the Office of the Attorney General in 1994 where he continued to be involved in all aspects of redistricting analysis as well as other Geographic Information Systems (GIS) projects such as the development of the agency's Colonia Geographic Database.

C657

District Compactness in Congressional Plan C657

DISTRICT	PERI	CIRC
1	7.2	2.7
2	8.6	1.8
3	23.7	3.4
4	10.4	4.0
5	9.9	3.1
6	42.5	4.6
7	8.6	3.0
8	11.5	3.0
9	5.4	2.5
10	3.2	2.3
11	3.1	2.4
12	16.9	2.6
13	5.4	2.8
14	9.8	2.6
15	7.9	5.1
16	4.7	5.1
17	2.6	2.4
18	106.3	2.7
19	6.2	5.0
20	8.2	3.0
21	11.0	4.5
22	13.4	2.5
23	5.8	4.2
24	14.9	2.9
25	55.2	5.0
26	7.5	2.4
27	4.6	3.1
28	6.2	3.8
29	141.0	5.1
30	69.0	4.1
MEDIAN	8.6	3.0
MEAN	21.0	3.4

PERI - Compares the AREA (A) and PERIMETER (P) of a district according to the formula $P^2 / 4\pi A$

CIRC - Compares the area of the smallest or minimum circumscribing circle (MCC) and the area of the district according to the formula Area of MCC / Area of District

Note that compactness statistics are formulated such that a perfect circle would yield a value of 1.0 in both measures and values would increase from that base. Thus the higher the value, the less compact is the district using the selected compactness measure.

01000C

District Compactness in Congressional Plan 01000C

DISTRICT	PERI	CIRC
1	7.3	2.7
2	8.6	1.8
3	5.5	3.1
4	10.6	4.0
5	8.5	3.1
6	37.5	4.8
7	4.0	3.4
8	11.4	3.0
9	5.2	2.5
10	3.2	2.3
11	3.2	2.4
12	16.9	2.6
13	5.4	2.8
14	9.8	2.6
15	7.9	5.1
16	4.7	5.1
17	2.7	2.4
18	6.6	2.9
19	6.2	5.0
20	8.1	3.0
21	11.0	4.5
22	9.5	2.4
23	5.8	4.2
24	9.7	2.9
25	10.6	4.4
26	4.7	2.4
27	4.6	3.2
28	6.2	3.8
29	5.6	2.6
30	5.6	2.6
MEDIAN	6.4	3.0
MEAN	8.2	3.3

PERI - Compares the AREA (A) and PERIMETER (P) of a district according to the formula $P^2 / 4\pi A$

CIRC - Compares the area of the smallest or minimum circumscribing circle (MCC) and the area of the district according to the formula Area of MCC / Area of District

Note that compactness statistics are formulated such that a perfect circle would yield a value of 1.0 in both measures and values would increase from that base. Thus the higher the value, the less compact is the district using the selected compactness measure.

01151C

District Compactness in Congressional Plan 01151C

DISTRICT	PERI	CIRC
1	5.3	2.3
2	5.9	1.9
3	3.5	1.7
4	8.9	4.9
5	6.3	2.5
6	2.8	1.9
7	2.7	1.9
8	3.7	2.9
9	4.7	2.5
10	2.1	1.9
11	3.5	2.1
12	1.9	2.0
13	2.7	2.9
14	4.6	2.0
15	8.5	5.0
16	3.8	2.9
17	2.7	2.0
18	8.5	2.8
19	4.3	2.9
20	7.1	2.9
21	3.2	1.8
22	7.1	2.4
23	6.1	4.2
24	6.1	3.1
25	11.8	4.4
26	2.7	1.8
27	4.1	3.1
28	5.4	3.7
29	7.7	2.8
30	4.7	2.7
31	6.7	3.8
32	3.0	2.3
MEDIAN	4.7	2.6
MEAN	5.1	2.8

PERI - Compares the AREA (A) and PERIMETER (P) of a district according to the formula $P^2 / 4\pi A$

CIRC - Compares the area of the smallest or minimum circumscribing circle (MCC) and the area of the district according to the formula Area of MCC / Area of District

Note that compactness statistics are formulated such that a perfect circle would yield a value of 1.0 in both measures and values would increase from that base. Thus the higher the value, the less compact is the district using the selected compactness measure.

01374C

District Compactness in Congressional Plan 01374C

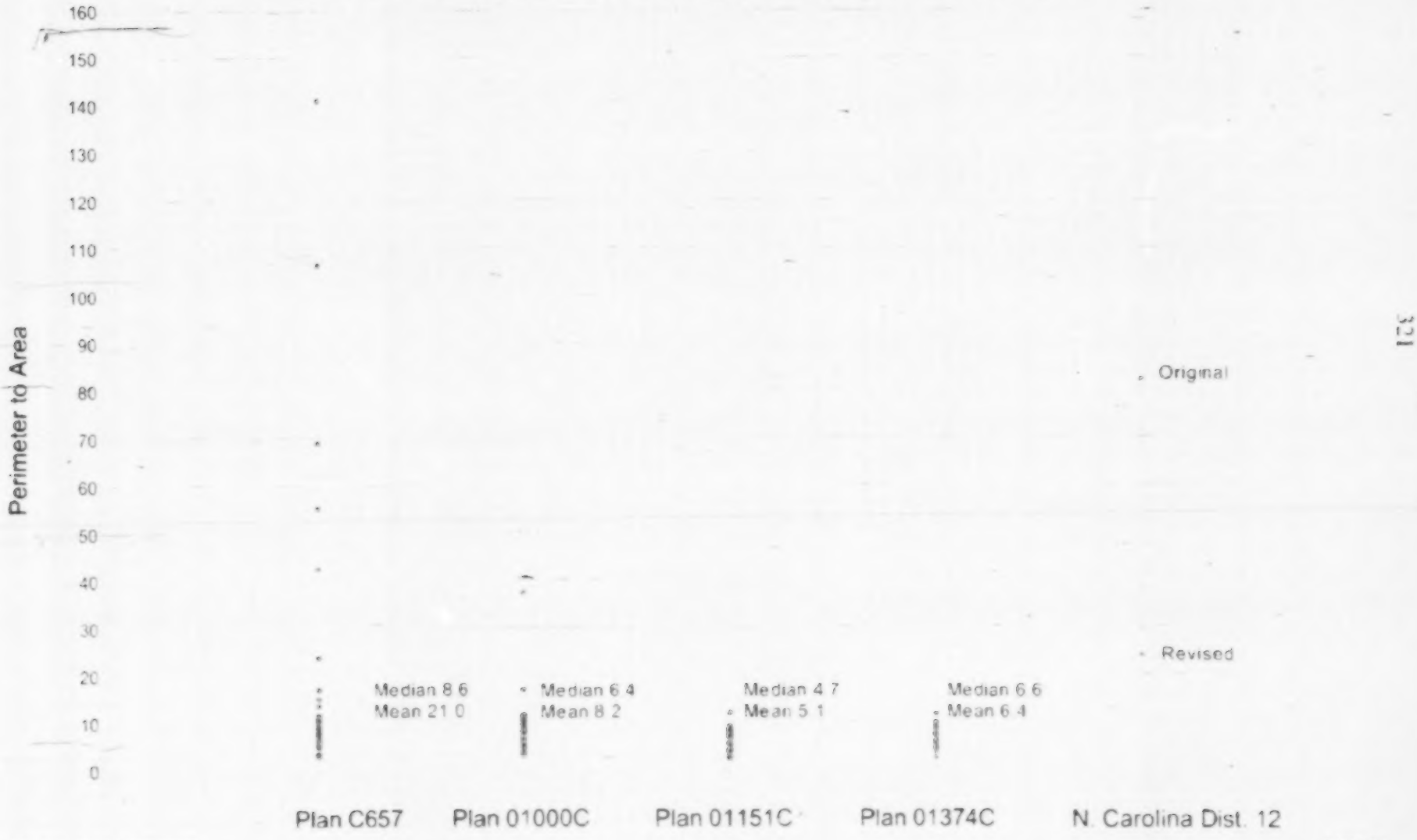
DISTRICT	PERI	CIRC
1	3.8	2.2
2	8.8	4.3
3	5.7	2.4
4	4.7	2.5
5	7.1	3.0
6	7.2	4.4
7	5.7	2.6
8	4.3	2.2
9	6.8	3.7
10	7.0	4.2
11	4.0	3.1
12	2.2	1.8
13	5.0	3.1
14	6.9	3.9
15	11.6	6.5
16	3.8	2.9
17	5.9	4.4
18	8.9	2.2
19	6.4	3.4
20	7.3	3.0
21	7.1	2.8
22	9.8	3.4
23	5.1	3.8
24	7.5	3.4
25	9.6	8.5
26	6.7	5.2
27	5.1	3.1
28	5.7	5.0
29	8.6	3.1
30	4.0	2.3
31	4.1	3.2
32	8.9	2.9
MEDIAN	6.6	3.1
MEAN	6.4	3.5

PERI - Compares the AREA (A) and PERIMETER (P) of a district according to the formula $P^2 / 4\pi A$

CIRC - Compares the area of the smallest or minimum circumscribing circle (MCC) and the area of the district according to the formula Area of MCC / Area of District

Note that compactness statistics are formulated such that a perfect circle would yield a value of 1.0 in both measures and values would increase from that base. Thus the higher the value, the less compact is the district using the selected compactness measure.

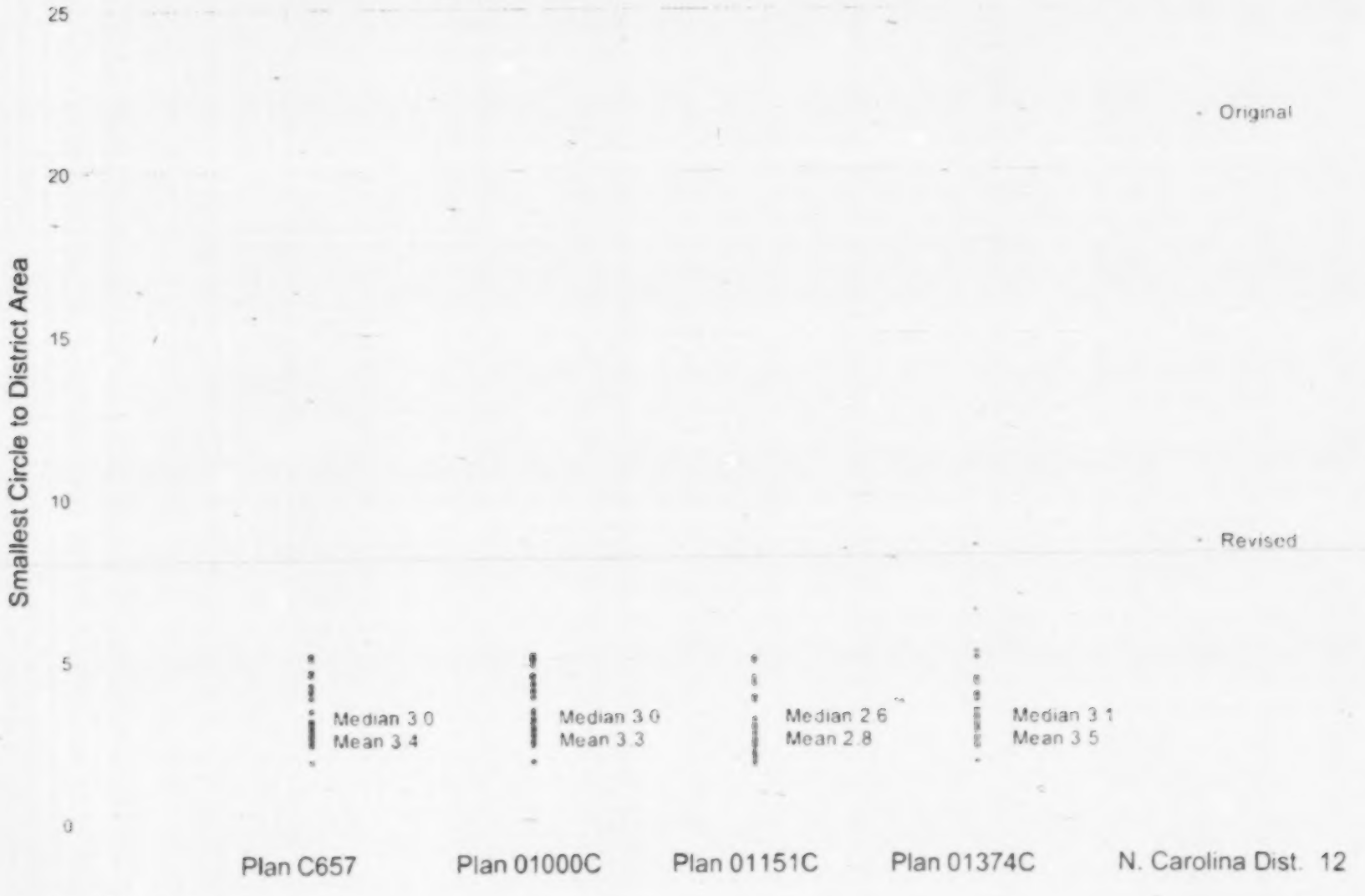
Plan Comparison
Of Perimeter Compactness Scores



Privileged and Confidential

Plan Comparison

Smallest Circle Compactness Scores



Privileged and Confidential

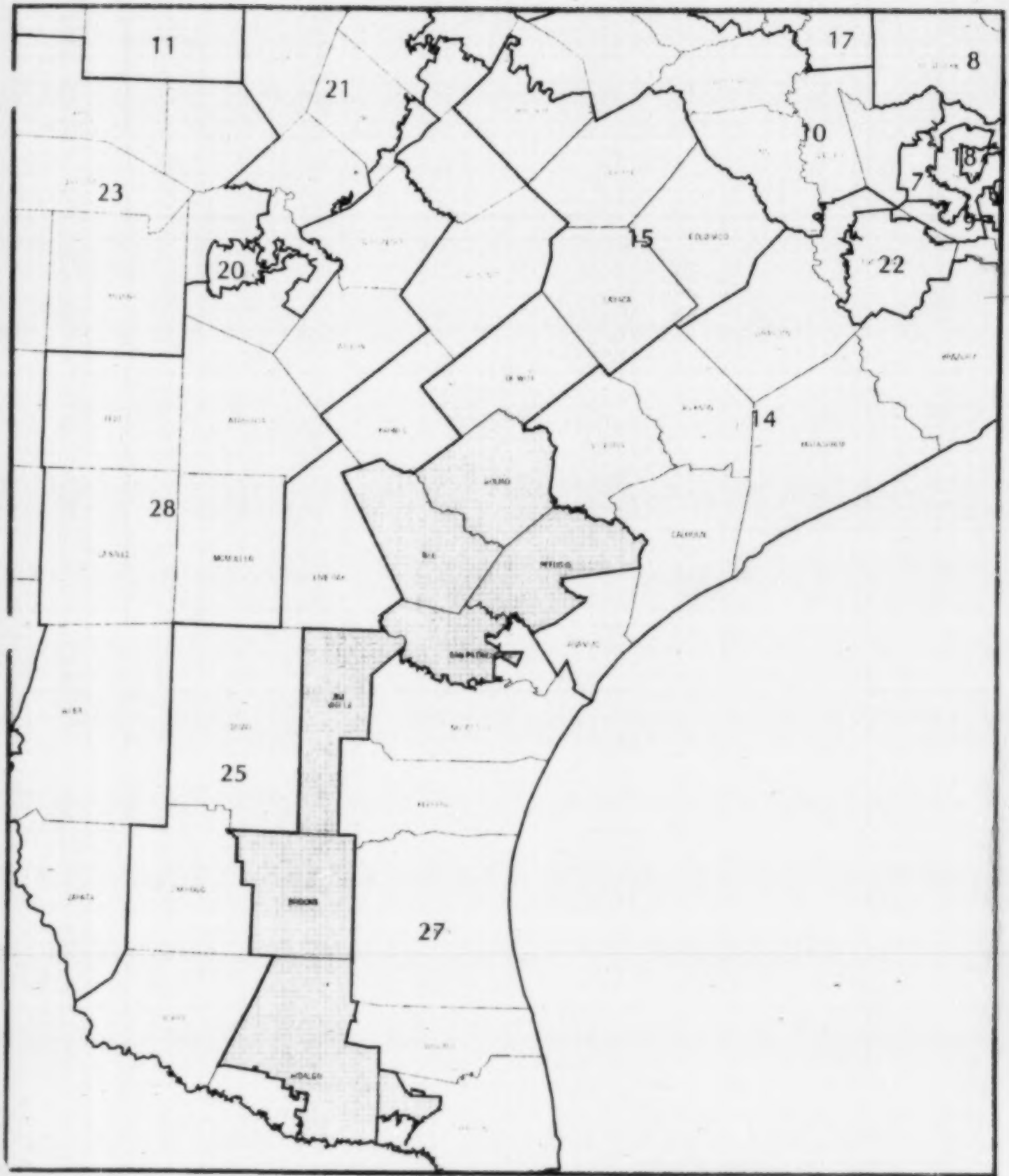
Plan C657 - District 18

Plan C657 - District 29

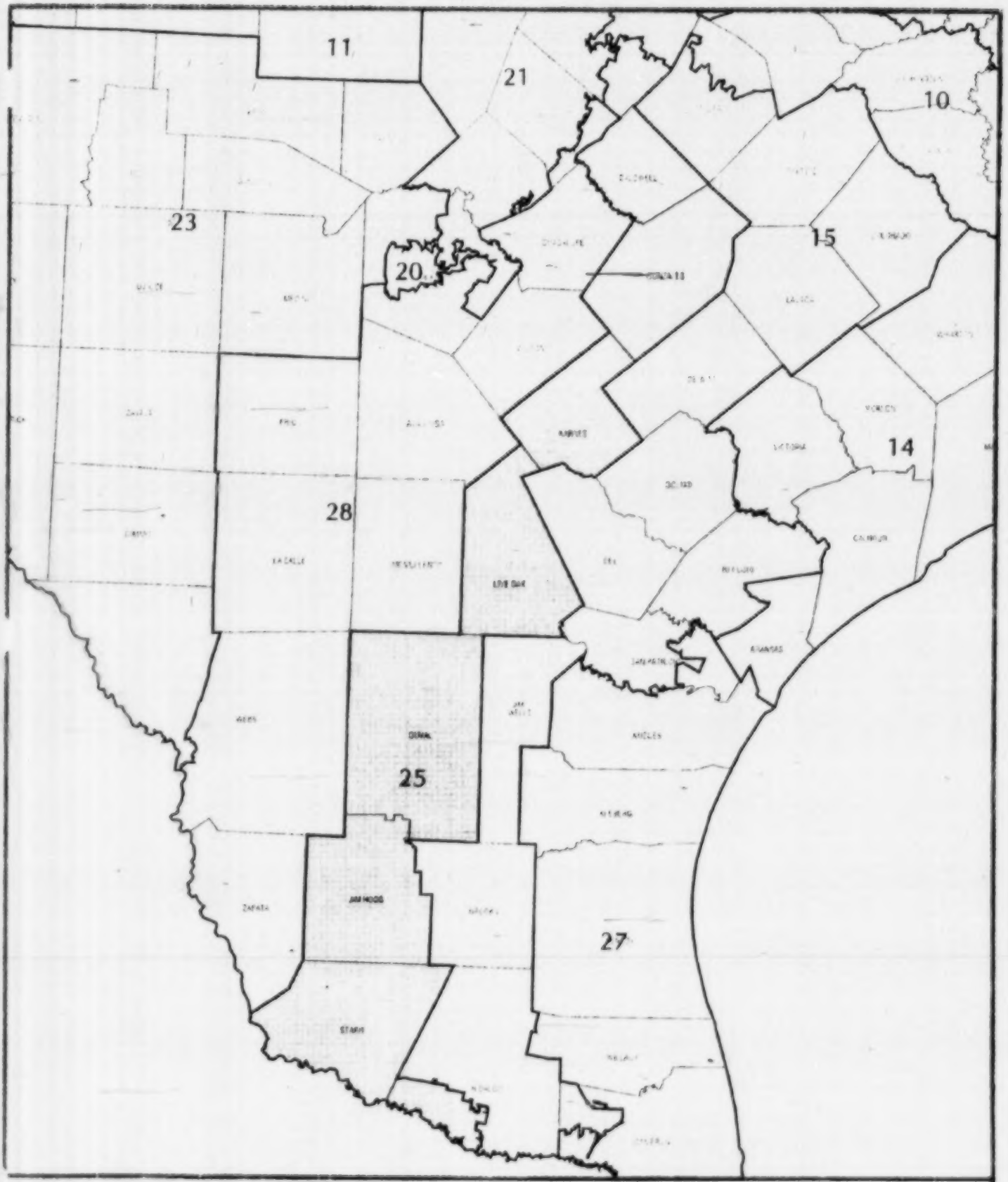
Plan C657 - District 30

Original North Carolina District 12

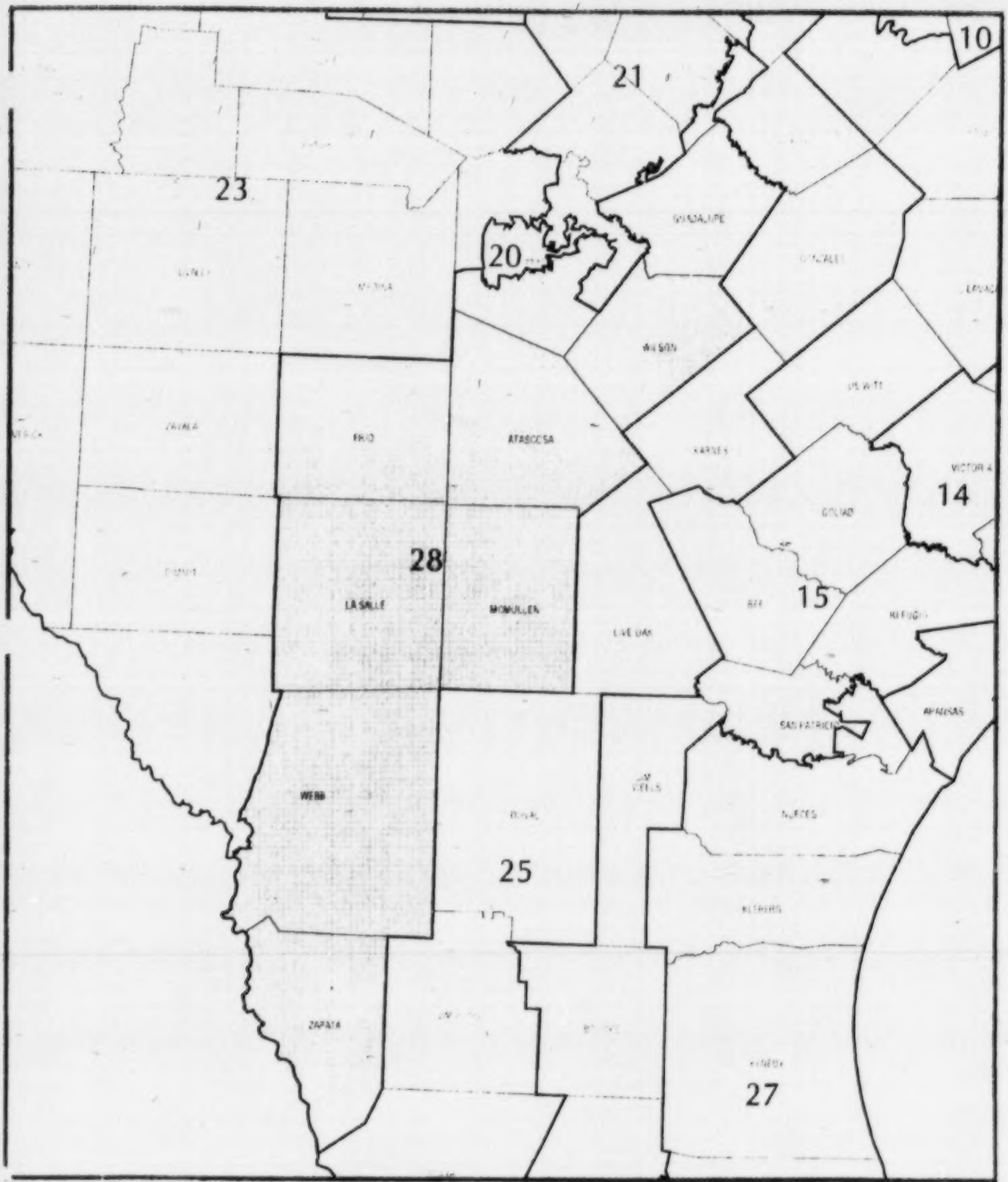
Revised North Carolina District 12



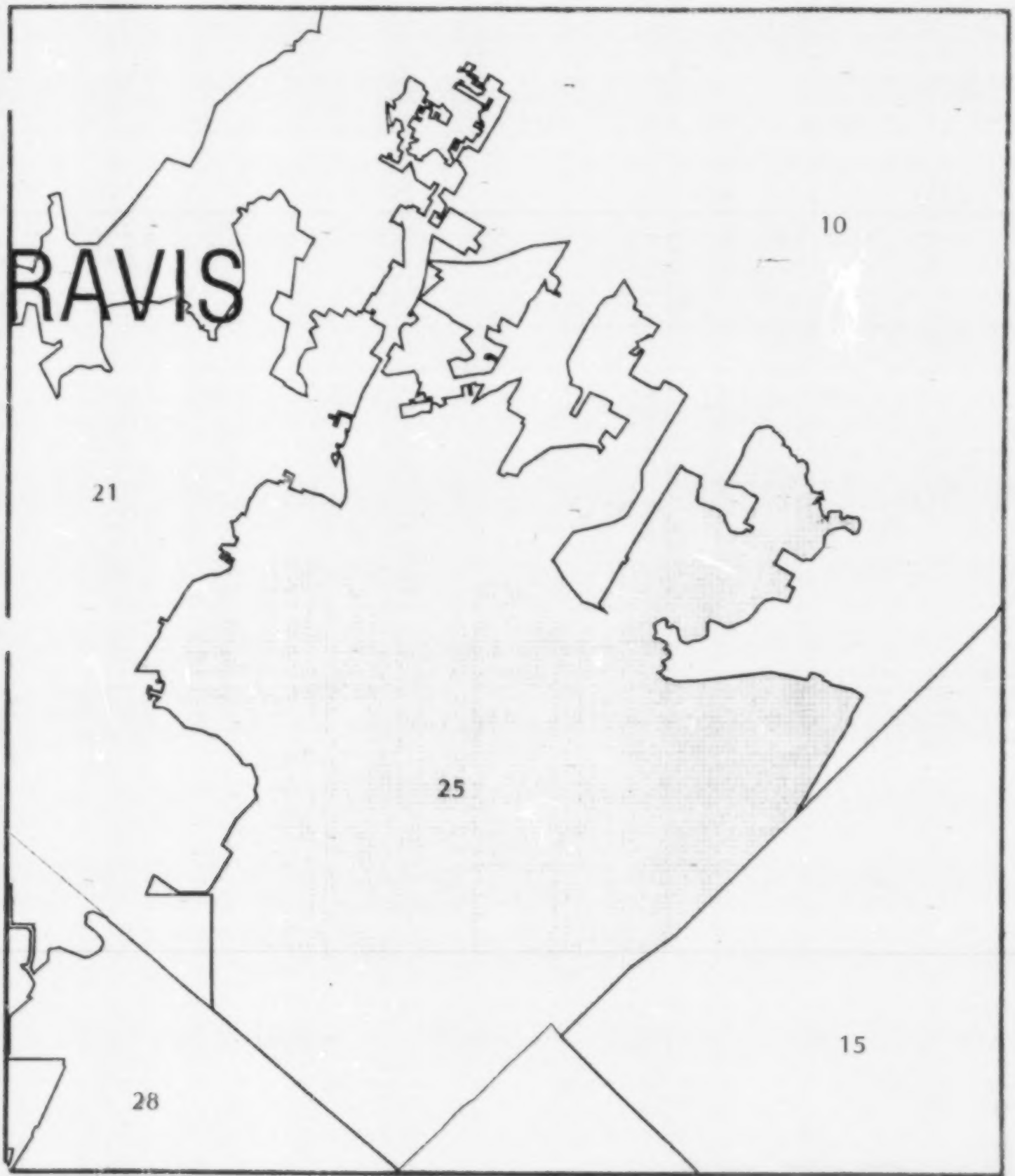
Plan 01374C - District 15



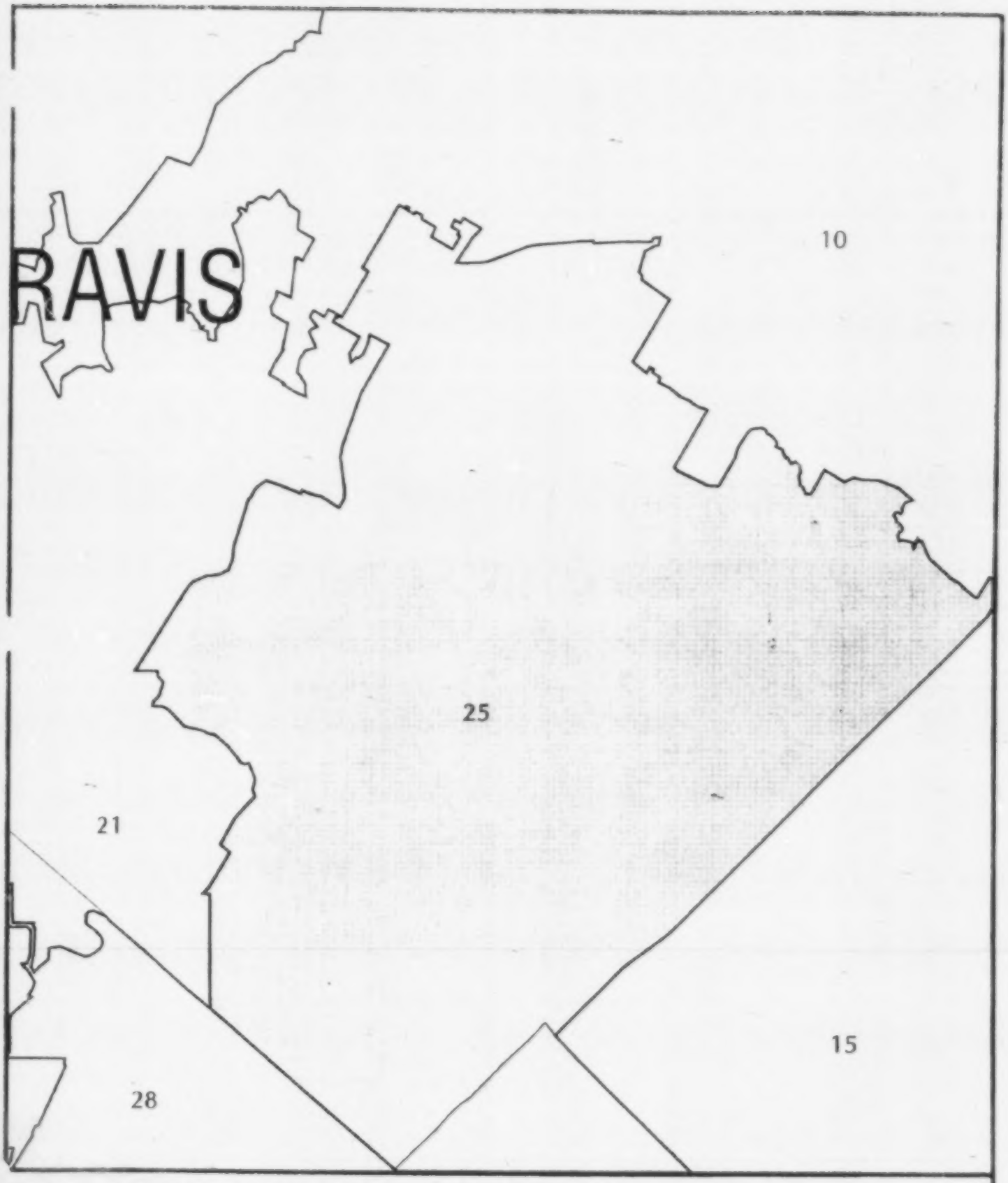
Plan 01374C - District 25



Plan 01374C - District 28



Demonstration Plan - District 25 in Travis



Plan 01374C - District 25 in Travis

Analysis of VTD's at District Boundary

Demonstration District for 25 in Travis County

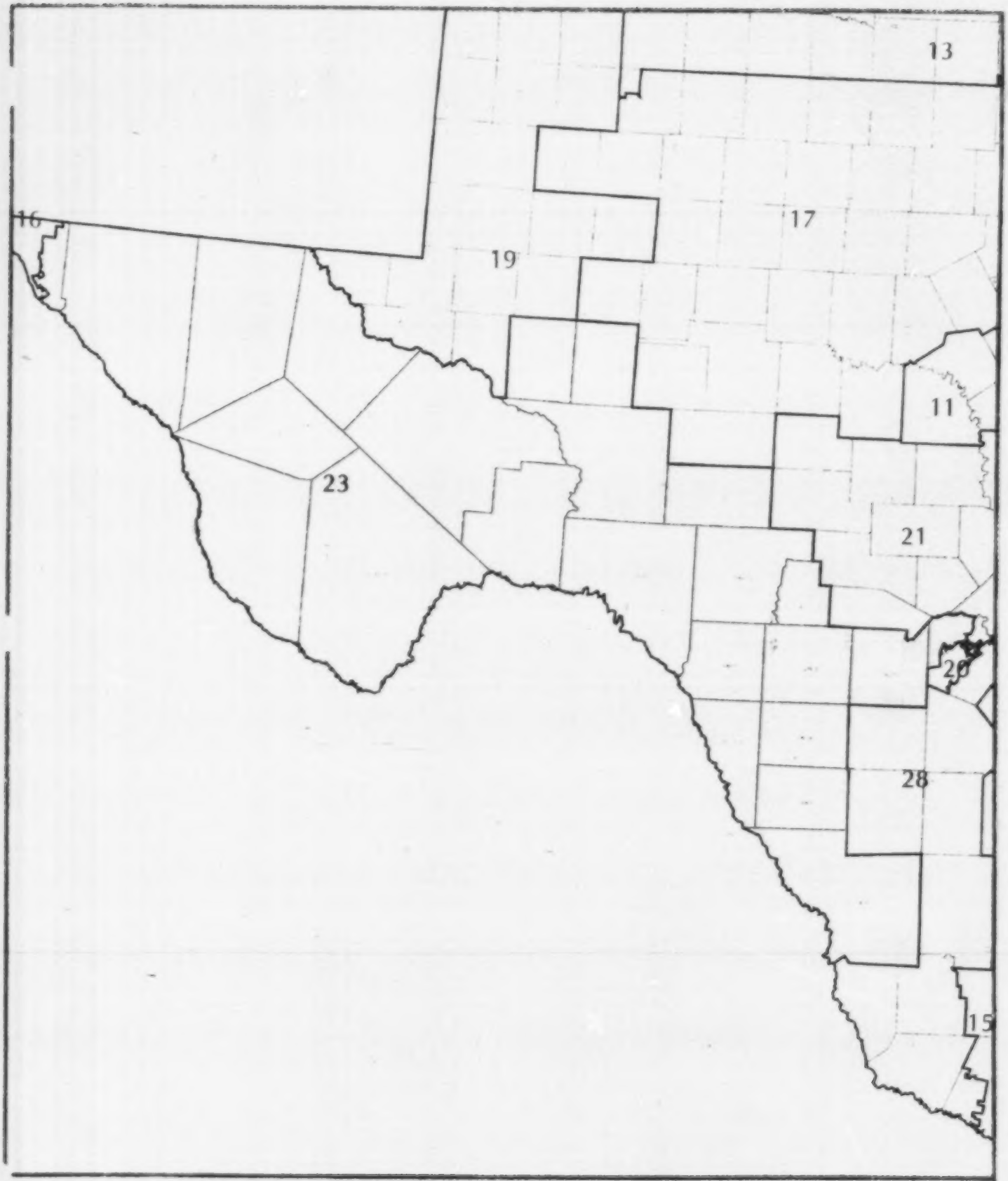
District	In/Out	Out Dist	Total POP	% B	% H	% B+H	% B VAP	% H VAP	% B+H VA	Voter Reg	% Span	Turnout	TO/VR	% DEM 02	% REP 02	% DEM LT	% REP LTG
25	Inside		155,781	17.04%	52.70%	68.99%	15.97%	47.99%	63.43%	55,484	30.81%	25,788	46.48%	74.14%	25.86%	77.57%	22.43%
25	Outside	10	78,312	24.39%	25.63%	49.49%	22.12%	22.51%	44.28%	35,593	10.77%	16,065	45.13%	69.05%	30.95%	73.39%	26.61%
25	Outside	21	37,430	5.09%	23.24%	27.95%	4.74%	20.31%	24.81%	22,100	15.89%	11,728	53.07%	61.69%	38.31%	68.24%	31.76%
25	Outside	Total	115,742	18.15%	24.85%	42.52%	16.30%	21.77%	37.76%	57,693	12.73%	27,792	48.17%	65.95%	34.05%	71.21%	28.79%

Actual 01374C District 25 in Travis County

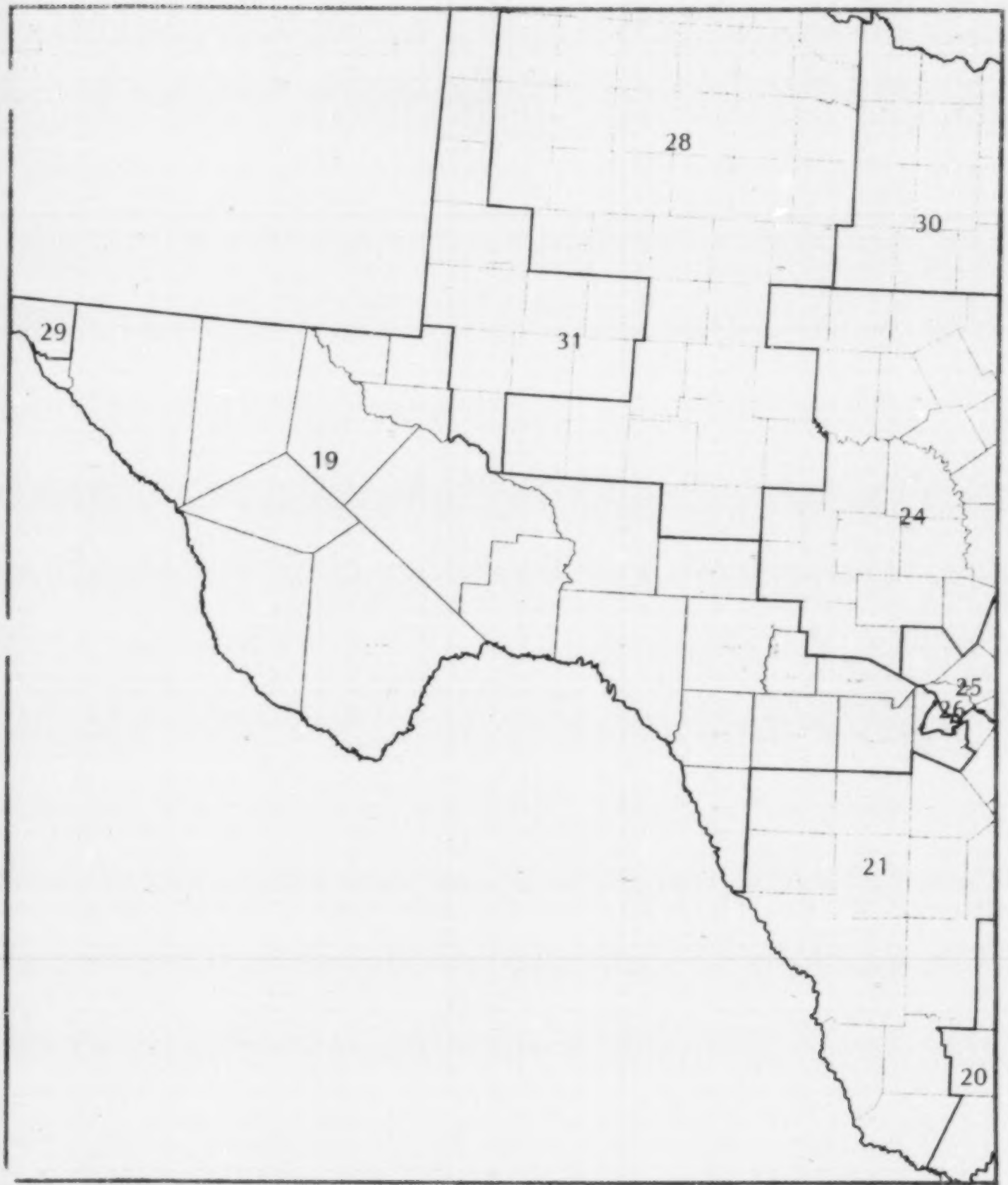
District	In/Out	Out Dist	Total POP	% B	% H	% B+H	% B VAP	% H VAP	% B+H VA	Voter Reg	% Span	Turnout	TO/VR	% DEM 02	% REP 02	% DEM LT	% REP LTG
25	Inside		96,898	17.41%	42.10%	58.81%	15.33%	37.79%	52.60%	40,610	23.58%	19,167	47.20%	74.88%	25.12%	78.53%	21.47%
25	Outside	10	26,556	14.28%	36.19%	50.01%	13.19%	31.55%	44.41%	11,303	14.07%	5,797	51.29%	65.03%	34.97%	69.97%	30.03%
25	Outside	21	49,358	5.31%	23.56%	28.52%	4.91%	20.33%	25.02%	25,840	16.41%	13,609	52.67%	62.82%	37.18%	68.94%	31.06%
25	Outside	Total	77,914	8.60%	28.19%	36.39%	7.76%	24.19%	31.69%	37,144	15.70%	19,406	52.25%	63.48%	36.52%	69.25%	30.75%

Actual 01000C District 28 in Comal County

District	In/Out	Out Dist	Total POP	% B	% H	% B+H	% B VAP	% H VAP	% B+H VAI	Voter Reg	% Span	Turnout	TO/VR	% DEM 02	% REP 02	% DEM LTC	% REP LTG
28	Inside		15,438	1.99%	57.38%	59.09%	1.69%	53.62%	55.13%	8,129	50.00%	2,442	30.04%	44.99%	55.01%	49.23%	50.77%
28	Outside	21	26,182	1.34%	18.15%	19.32%	1.12%	15.79%	16.84%	17,905	12.19%	8,793	49.11%	21.21%	78.79%	30.87%	69.13%
28	Outside	Total	26,182	1.34%	18.15%	19.32%	1.12%	15.79%	16.84%	17,905	12.19%	8,793	49.11%	21.21%	78.79%	30.87%	69.13%



Plan 01151C - District 23



State Senate Plan 01188C - District 19

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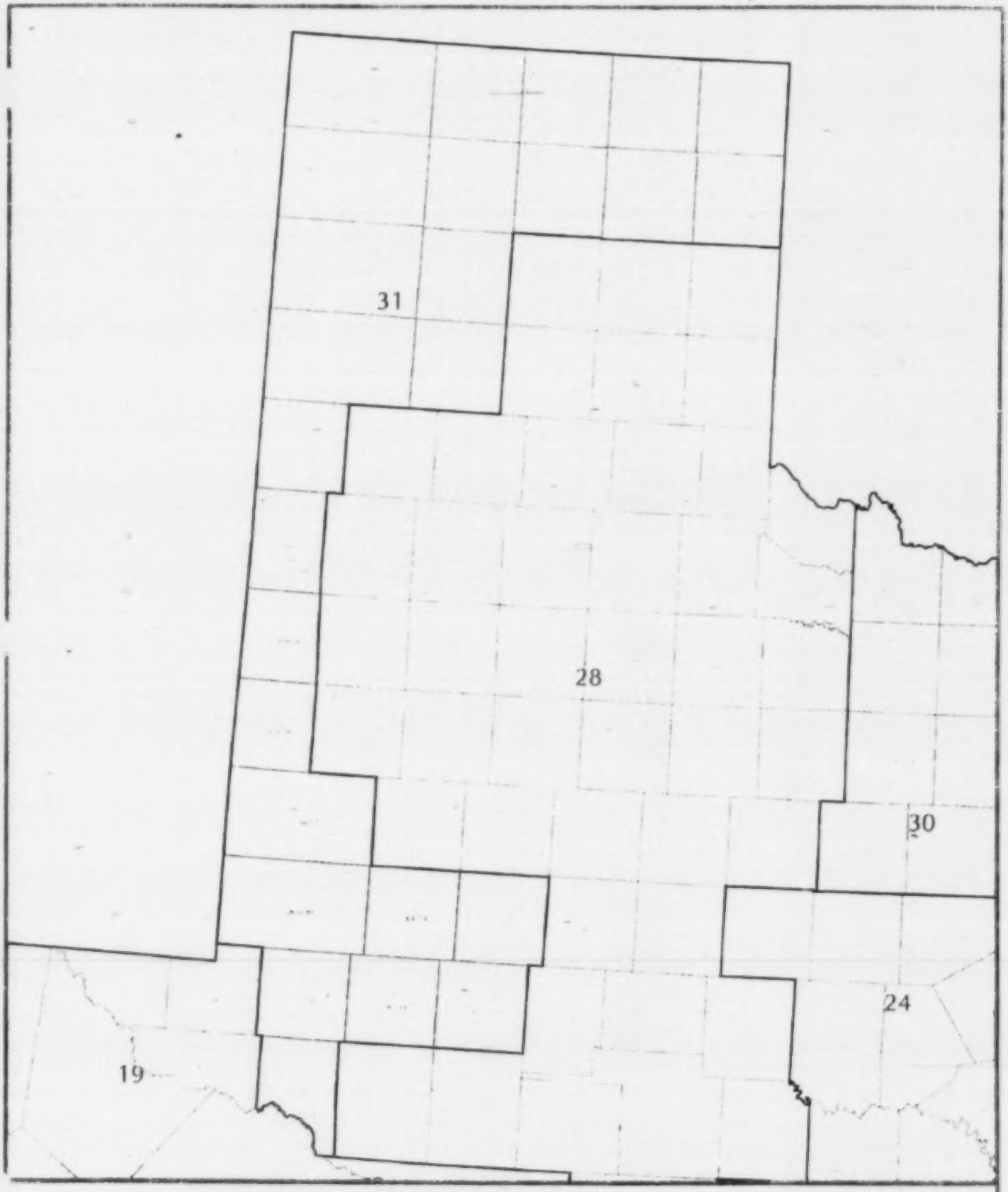

State Senate Plan 01188C - District 31

Plan	Name	District	POP	Dev	%Dev	%Black POP	%Black VAP	% Hisp POP	% Hisp VAP	%Span Sur	Indx_r_02	Ltg_r_02	CPA _r_02
PUBLC01151	Sandlin(D)	1	651,619	0	0.0	16.6	15.4	7.4	6.0	2.0	58.1	51.3	65.8
PUBLC01151	Turner(D)	2	651,619	0	0.0	14.2	13.6	8.8	7.7	3.3	56.4	50.9	64.6
PUBLC01151	Johnson(R)	3	651,620	1	0.0	7.1	6.4	14.4	12.9	5.9	72.4	67.3	78.6
PUBLC01151	Hall(D)	4	651,620	1	0.0	12.1	11.2	9.4	7.7	3.1	68.1	62.4	74.8
PUBLC01151	Sessions(R), Hensarling(R)	5	651,620	1	0.0	16.4	14.9	17.7	15.3	7.2	59.6	55.1	67.3
PUBLC01151	Barton(R)	6	651,620	1	0.0	10.8	9.7	13.5	11.7	7.3	65.2	60.4	72.6
PUBLC01151	Culberson(R)	7	651,620	1	0.0	12.1	10.8	25.9	23.3	11.4	69.2	64.2	75.8
PUBLC01151	Brady(R)	8	651,619	0	0.0	5.6	5.1	13.0	11.6	7.1	78.6	74.6	84.1
PUBLC01151	Lampson(D)	9	651,619	0	0.0	21.8	20.3	14.4	12.9	8.5	52.2	48.9	60.0
PUBLC01151	Doggett(D)	10	651,619	0	0.0	11.8	10.5	33.0	29.0	18.9	40.0	32.9	53.1
PUBLC01151	Edwards(D)	11	651,620	1	0.0	16.7	15.0	16.4	14.1	9.5	62.8	58.1	71.0
PUBLC01151	Granger(R)	12	651,619	0	0.0	4.9	4.6	19.9	17.1	9.5	66.3	61.3	74.1
PUBLC01151	Thornberry(R)	13	651,619	0	0.0	6.1	5.7	21.6	17.9	11.9	69.4	62.5	78.4
PUBLC01151	Paul(R)	14	651,620	1	0.0	8.3	7.8	32.0	28.4	20.3	60.2	49.3	70.3
PUBLC01151	Hinojosa(D)	15	651,619	0	0.0	1.6	1.8	78.3	74.3	67.0	38.3	35.8	45.7
PUBLC01151	Reyes(D)	16	651,619	0	0.0	3.6	3.4	77.7	74.8	67.5	35.6	38.4	46.5
PUBLC01151	Stenholm(D)	17	651,619	0	0.0	4.2	4.0	19.6	16.6	12.1	67.2	58.2	76.0
PUBLC01151	JacksonLee(D)	18	651,620	1	0.0	43.0	42.1	32.6	29.1	14.2	24.8	23.6	32.0
PUBLC01151	Neugebauer(R)	19	651,619	0	0.0	6.1	5.5	34.1	29.6	24.2	70.5	63.7	78.1
PUBLC01151	Gonzalez(D)	20	651,619	0	0.0	6.2	6.0	68.2	64.3	61.5	38.5	37.5	48.6
PUBLC01151	Smith(R)	21	651,619	0	0.0	2.4	2.1	17.2	15.2	11.4	70.8	61.4	78.6
PUBLC01151	DeLay(R)	22	651,619	0	0.0	10.6	10.2	19.7	18.0	12.8	67.0	62.5	74.3
PUBLC01151	Bonilla(R)	23	651,619	0	0.0	1.8	1.8	66.8	63.0	55.3	47.5	42.8	57.5
PUBLC01151	Frost(D)	24	651,619	0	0.0	22.7	21.4	38.0	33.6	18.0	41.9	39.4	48.9
PUBLC01151	Bell(D)	25	651,619	0	0.0	23.7	22.0	34.3	30.7	15.2	48.5	44.4	57.5
PUBLC01151	Burgess(R)	26	651,619	0	0.0	5.5	5.1	11.0	10.0	5.3	74.2	69.6	80.7
PUBLC01151	Ortiz(D)	27	651,619	0	0.0	2.6	2.4	71.6	67.5	61.6	43.3	40.8	54.0
PUBLC01151	Rodriguez(D)	28	651,620	1	0.0	8.2	8.2	69.6	65.7	59.6	35.2	33.9	43.3
PUBLC01151	Green(D)	29	651,620	1	0.0	15.3	14.7	62.2	58.2	42.5	32.7	32.5	40.6
PUBLC01151	Johnson(D)	30	651,620	1	0.0	41.4	40.3	31.1	27.7	11.4	27.1	25.8	32.5
PUBLC01151	Carter(R)	31	651,620	1	0.0	9.6	8.9	16.9	14.9	9.1	69.3	61.5	76.6
PUBLC01151		32	651,619	0	0.0	9.7	9.1	27.4	24.1	8.3	65.9	59.0	73.4

STATE'S EXHIBIT 24

Plan	Name	Distrct	POP	Dev	%Dev	%Black POP	%Black VAP	% Hisp POP	% Hisp VAP	%Span Sur	Indx_r_02	Ltg_r_02	CPA _r_02
PUBLC01374	Sandlin(D)	1	651,619	0	0.0	18.8	17.5	9.3	7.5	2.9	63.0	55.1	70.1
PUBLC01374	Green(D), Lampson(D)	2	651,620	1	0.0	19.5	18.4	12.6	11.3	6.7	60.6	57.2	67.4
PUBLC01374	Johnson(R)	3	651,619	0	0.0	9.9	9.1	16.9	15.3	6.3	70.0	65.2	76.3
PUBLC01374	Hall(D)	4	651,619	0	0.0	10.8	10.0	7.9	6.7	2.7	63.0	58.0	70.1
PUBLC01374	Hensarling(R)	5	651,619	0	0.0	12.9	11.8	12.9	11.1	5.3	64.2	58.6	71.7
PUBLC01374	Barton(R), Turner(D) Frost(D)	6	651,619	0	0.0	13.5	12.3	15.9	13.9	7.1	64.1	58.8	71.8
PUBLC01374	Bell(D), Culberson(R)	7	651,620	1	0.0	6.1	5.5	18.0	16.0	8.4	70.2	64.0	77.5
PUBLC01374	Brady(R)	8	651,620	1	0.0	9.0	8.7	9.0	8.0	4.0	66.6	62.8	73.4
PUBLC01374		9	651,619	0	0.0	38.3	36.5	32.8	30.3	13.7	30.2	29.0	38.1
PUBLC01374	Doggett(D)	10	651,620	1	0.0	9.7	9.0	18.7	16.8	9.1	63.5	56.4	72.4
PUBLC01374		11	651,620	1	0.0	4.4	4.1	29.6	25.3	19.3	69.8	61.5	77.1
PUBLC01374	Granger(R)	12	651,619	0	0.0	6.1	5.7	23.7	20.4	11.3	63.0	58.0	71.0
PUBLC01374	Thornberry(R)	13	651,620	1	0.0	6.2	5.9	17.6	14.6	9.4	68.9	62.3	78.1
PUBLC01374	Paul(R)	14	651,619	0	0.0	10.3	9.9	24.9	22.1	14.0	61.0	52.7	69.9
PUBLC01374	Hinojosa(D)	15	651,619	0	0.0	3.1	3.3	69.0	64.0	56.7	44.3	39.3	53.7
PUBLC01374	Reyes(D)	16	651,619	0	0.0	3.6	3.4	77.7	74.8	67.5	35.6	38.4	46.5
PUBLC01374	Edwards(D)	17	651,620	1	0.0	10.8	9.6	15.4	13.1	7.6	64.0	58.6	71.4
PUBLC01374	JacksonLee(D)	18	651,619	0	0.0	41.0	40.3	35.6	32.2	16.0	26.0	25.1	33.0
PUBLC01374	Neugebauer(R), Stenholm(D)	19	651,619	0	0.0	5.9	5.2	29.0	24.8	19.9	69.0	60.1	77.6
PUBLC01374	Gonzalez(D)	20	651,619	0	0.0	7.5	7.1	67.1	63.6	59.9	37.7	36.9	47.7
PUBLC01374	Smith(R)	21	651,619	0	0.0	4.3	3.8	18.1	16.2	12.9	63.8	54.7	73.2
PUBLC01374	DeLay(R)	22	651,619	0	0.0	9.8	9.3	20.3	18.3	12.9	65.9	61.7	73.3
PUBLC01374	Bonilla(R)	23	651,620	1	0.0	2.0	1.9	55.1	50.9	44.0	56.8	51.3	65.8
PUBLC01374		24	651,620	1	0.0	10.3	9.3	17.9	15.8	8.8	67.6	63.2	74.4
PUBLC01374		25	651,619	0	0.0	8.0	8.0	68.6	63.4	55.6	30.2	27.5	39.8
PUBLC01374	Burgess(R)	26	651,619	0	0.0	16.1	15.0	14.3	12.5	5.8	62.4	58.9	68.6
PUBLC01374	Ortiz(D)	27	651,619	0	0.0	2.9	2.8	68.1	64.2	58.0	44.4	41.3	54.8
PUBLC01374	Rodriguez(D)	28	651,620	1	0.0	6.6	6.8	64.5	60.1	54.3	41.1	38.3	50.8
PUBLC01374		29	651,619	0	0.0	10.4	9.9	66.1	61.8	45.9	35.8	35.5	43.9
PUBLC01374	Johnson(D)	30	651,620	1	0.0	42.3	41.0	34.2	30.7	12.5	22.7	21.5	28.6
PUBLC01374	Carter(R)	31	651,619	0	0.0	14.2	12.9	16.3	14.2	9.9	65.1	58.5	73.6
PUBLC01374	Sessions(R)	32	651,620	1	0.0	8.3	7.8	36.2	31.4	13.3	64.3	57.6	71.9

STATE'S EXHIBIT 43

	CITIZENSHIP POPULATION AND PERCENT						CITIZENSHIP VOTING AGE POPULATION AND PERCENT					
DISTRICT	TOTAL	BLACK	HISPANIC	B+H	ANGLO	OTHER	TOTAL	BLACK	HISPANIC	B+H	ANGLO	OTHER
1	632,552	16.9	4.8	21.6	76.7	1.5	469,766	15.8	3.3	19.0	79.4	1.5
2	633,662	14.5	6.5	20.9	77.4	1.5	470,010	14.0	5.2	19.1	79.4	1.4
3	583,679	7.5	10.0	17.4	75.9	6.6	405,752	6.9	7.5	14.3	79.7	5.9
4	626,967	12.5	6.2	18.5	79.4	2.0	457,367	11.5	4.1	15.6	82.4	1.9
5	603,316	17.2	12.6	29.6	67.9	2.5	435,151	15.8	9.3	25.0	72.6	2.3
6	619,337	10.9	10.7	21.5	75.2	3.2	434,135	9.8	8.5	18.2	78.7	3.0
7	530,023	13.6	18.8	32.1	57.9	9.7	376,099	12.1	14.0	26.2	64.3	9.5
8	611,338	5.6	9.7	15.5	80.8	3.6	427,808	5.3	7.8	13.1	83.6	3.3
9	620,385	22.6	11.7	34.1	62.6	3.3	452,592	21.3	9.7	30.7	66.2	2.8
10	571,197	13.0	27.0	39.6	55.6	4.5	432,441	11.7	21.9	33.3	61.9	4.6
11	629,673	16.8	14.3	30.6	65.9	3.0	453,738	15.3	11.6	26.6	70.3	2.9
12	604,497	5.0	15.3	20.2	76.2	3.5	434,659	4.7	11.7	16.3	80.4	3.2
13	625,686	6.1	18.9	24.8	72.5	2.5	453,118	5.7	14.8	20.5	77.0	2.5
14	626,300	8.5	29.5	37.6	60.3	1.8	452,226	8.2	25.4	33.4	64.8	1.7
15	555,622	1.8	75.1	76.7	22.2	0.9	358,017	2.1	69.3	71.4	27.5	1.0
16	553,425	4.1	74.6	77.9	19.8	1.7	369,793	4.3	69.9	73.6	24.1	1.9
17	634,733	4.1	17.9	21.9	76.4	1.7	470,035	4.0	14.5	18.4	79.9	1.6
18	564,287	49.5	23.7	73.7	23.8	2.1	398,455	49.8	17.8	67.3	29.2	3.3
19	624,522	6.6	32.0	38.1	60.2	1.5	442,392	5.6	26.8	32.5	65.9	1.4
20	601,338	6.4	66.2	72.1	25.2	2.2	420,069	6.3	61.6	67.6	29.8	2.3
21	629,009	2.4	15.8	18.1	79.0	2.8	469,626	2.1	13.6	15.7	81.6	2.6
22	605,485	11.1	17.5	28.3	63.5	7.9	416,911	10.7	15.2	25.8	66.7	7.4
23	574,519	1.0	63.0	64.7	33.3	1.8	375,298	2.0	57.4	59.2	38.7	1.9
24	546,194	26.4	28.5	54.5	41.5	3.6	367,438	25.7	20.8	46.3	49.8	3.6
25	535,411	27.2	25.2	51.8	43.2	4.4	365,056	26.1	18.6	44.3	50.8	4.6
26	613,661	5.6	8.6	13.9	81.6	4.4	437,824	5.2	7.0	12.1	83.8	4.0
27	584,425	2.8	69.0	72.5	26.9	1.4	391,001	2.7	63.5	66.0	32.4	1.5
28	586,038	8.8	66.5	74.9	23.3	1.4	385,010	9.1	61.4	70.3	28.0	1.5
29	500,173	19.7	52.1	71.3	25.5	2.7	306,579	20.4	42.8	63.0	33.6	3.3
30	551,127	48.3	30.8	68.6	28.7	2.3	374,773	48.6	14.2	62.5	34.8	2.4
31	415,073	9.8	14.2	23.8	72.7	3.3	437,639	9.2	11.6	20.7	76.2	3.0
32	921,005	11.0	16.7	27.5	67.1	5.3	680,938	10.1	11.0	21.2	73.9	4.7
TOTALS	18,914,657	12.8	27.0	39.6	57.0	3.3	13,319,695	12.3	22.3	34.5	62.4	3.0

STATE'S EXHIBIT 57

	CITIZENSHIP POPULATION AND PERCENT						CITIZENSHIP VOTING AGE POPULATION AND PERCENT					
DISTRICT	TOTAL	BLACK	HISPANIC	B+H	ANGLO	OTHER	TOTAL	BLACK	HISPANIC	B+H	ANGLO	OTHER
1	627,743	19.5	6.1	25.4	71.1	3.4	461,178	18.2	3.9	22.1	76.5	1.3
2	620,343	20.3	9.9	30.1	66.7	3.0	446,595	19.2	8.1	27.3	69.9	2.7
3	567,252	10.6	11.4	21.8	70.8	7.2	394,641	9.9	8.4	18.3	75.2	6.4
4	631,421	11.0	5.4	16.3	81.5	2.2	460,822	10.2	3.9	14.1	83.8	2.1
5	618,364	13.2	9.3	22.4	75.0	2.5	450,425	12.2	7.0	19.1	78.6	2.3
6	602,507	14.0	11.6	25.4	70.8	3.6	426,634	12.8	8.8	21.5	75.0	3.3
7	572,191	13.6	13.3	19.7	73.8	6.6	429,755	6.1	10.4	16.3	77.7	6.1
8	628,802	9.2	6.6	15.7	82.3	1.9	458,379	8.9	5.2	14.1	84.8	1.8
9	504,924	46.9	22.9	69.1	21.1	9.1	332,713	46.9	16.6	63.0	26.7	9.6
10	597,926	10.2	14.8	24.8	70.9	4.1	427,605	9.6	12.0	21.6	74.5	3.9
11	625,271	4.6	26.9	31.3	67.0	1.5	450,053	4.3	21.8	26.0	72.4	1.5
12	595,569	6.4	18.1	24.4	72.1	3.4	425,352	6.0	13.7	19.7	77.1	3.2
13	628,448	6.2	15.2	21.2	76.1	2.5	460,235	5.9	11.8	17.7	79.8	2.4
14	618,785	10.6	23.1	32.4	64.9	2.5	440,890	10.2	18.7	28.8	68.8	2.3
15	571,831	3.4	65.3	68.5	30.4	0.9	379,368	3.8	58.5	62.1	36.8	0.9
16	553,425	4.1	74.4	77.9	19.8	1.7	359,793	4.1	69.9	73.6	24.1	1.9
17	621,947	11.0	12.6	23.4	74.4	2.0	460,987	10.0	9.8	19.7	78.2	1.9
18	556,938	47.6	26.1	73.2	22.7	3.6	381,059	48.6	19.7	67.9	27.9	3.7
19	630,906	6.0	27.4	33.2	65.0	1.6	457,038	5.4	22.9	28.2	70.2	1.5
20	601,741	7.9	65.0	72.3	24.8	2.3	419,668	7.6	60.8	68.1	29.3	2.4
21	626,158	4.4	16.9	21.1	74.9	3.8	471,174	3.9	14.8	18.6	77.7	3.7
22	604,434	10.4	17.7	27.8	64.3	7.7	421,843	9.9	15.1	24.9	67.9	7.2
23	592,263	2.0	51.5	53.4	44.5	2.0	407,130	2.1	45.8	47.7	50.0	2.1
24	586,175	10.9	13.8	24.5	69.5	5.8	419,363	9.9	10.8	20.6	74.2	5.1
25	537,799	9.4	62.9	71.9	26.1	1.6	358,683	9.9	55.0	64.6	33.2	1.9
26	613,004	16.8	10.5	27.0	69.6	3.1	431,316	15.8	7.8	23.5	73.4	2.9
27	591,350	3.1	65.4	68.2	30.3	1.5	398,328	3.0	60.4	63.2	35.1	1.6
28	601,156	6.9	61.6	68.2	30.3	1.4	404,341	7.2	56.2	63.2	35.2	1.5
29	496,177	13.3	56.4	69.3	28.3	2.0	302,401	13.8	46.7	60.3	37.1	2.2
30	545,261	50.1	22.5	72.2	25.7	1.6	369,225	50.4	15.5	65.7	32.3	1.7
31	629,264	14.2	14.5	28.2	67.7	3.6	444,914	13.0	12.0	24.8	71.5	3.4
32	511,285	9.5	24.3	33.7	62.2	3.9	367,784	9.0	16.1	24.9	71.0	3.9
TOTALS	18,914,657	12.8	27.0	39.6	57.0	3.1	13,319,695	12.3	22.3	34.5	62.4	3.0

STATE'S EXHIBIT 58

Supreme Court, U.S.
FILED
DEC 22 2005
OFFICE OF THE CLERK

No. 05-254

In Th:

Supreme Court of the United States

TRAVIS COUNTY, TEXAS, *et al.*,

Appellants,

vs.

RICK PERRY, *et al.*,

Appellees.

On Appeal From The United States District Court For The Eastern District Of Texas

BRIEF OF APPELLEE FRENCHIE HENDERSON IN SUPPORT OF APPELLANT TRAVIS COUNTY, ET AL.

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December 23, 2005

COCKLE LAW BRIEF PRINTING CO. (800) 225-6964
OR CALL COLLECT (402) 342-2831

QUESTION PRESENTED

Does the Texas legislature's 2003 replacement of a legally valid congressional redistricting plan with a statewide plan, enacted for the "single-minded purpose" of gaining partisan advantage, satisfy the stringent constitutional rule of equipopulous districts by relying on the 2000 decennial census and the fiction of inter-censal population accuracy?

TABLE OF CONTENTS

	Page
QUESTION PRESENTED	i
TABLE OF CONTENTS	ii
TABLE OF AUTHORITES	iii
INTEREST OF APPELLEE	1
CONSTITUTIONAL PROVISIONS INVOLVED	2
SUMMARY OF ARGUMENT	4
ARGUMENT	7
Any "reasonably conceived plan" adopted by a State legislature to alter valid congressional districts must be supported by a legitimate and neutral regulatory purpose that takes into account, and is justified by, shifts or growth in population unaccounted for since congressional districts have last been established.	
I. Comparison of the Elections Clause with Contemporaneous State Constitutional Provisions in Effect at the Time the Elections Clause was Adopted, on which the Framers Purported to Model the Constitution	8
II. Usage of the Elections Clause Power by the Several State Legislatures During the First Decade of the Republic	19
III. The Contemporaneous Understanding of the Temporal Scope of Redistricting Power under the Elections Clause	24
IV. Chancellor James Kent's View on Multiple Intra-Census Electoral Redistricting, Given When Construing a Redistricting Provision on which the Elections Clause was Modeled	27
CONCLUSION	34

TABLE OF AUTHORITIES

Page

CASES:

Balderas v. Texas, No. 6:01-CV-158 (E.D. Tex., Nov. 14, 2001) (unpublished), *aff'd memo.*, 536 U.S. 919 (2002) 34

Cahill v. Leopold, 103 A.2d 818 (Conn. 1954) 21

Cox v. Larios, 542 U.S. 947 (2004) 33

Douglas v. Seacoast Products, Inc., 431 U.S. 265 (1977) 30

Henderson v. Perry, ___ U.S. __, No. 04-10649, *juris. stat. pending* (filed June 14, 2005) 1

Henderson v. Perry, No. 2:03-CV-354 (E.D. Tex., June 9, 2005) ..... *passim*

People ex rel. Henderson v. Westchester Bd. of Supervisors, 41 N.E. 563 (N.Y. 1895) 32

Reynolds v. Sims, 377 U.S. 533 (1964) 5, 6, 32

Session v. Perry, 298 F.Supp.2d 451 (E.D. Tex. 2004), *vacated and remanded sub. nom. Henderson v. Perry*, No. 03-9644, __ U.S. ___, 125 S.Ct. 351 (Oct. 18, 2004) ..... *passim*

Vieth v. Jubelirer, 541 U.S. 267 (2004) 2, 5, 6, 14, 32

Wesberry v. Sanders, 376 U.S. 1 (1964) 5, 7, 18, 24

STATUTES, CODES, RULES, AND CONSTITUTIONAL PROVISIONS:

Rule 18.2 of the Rules of the Supreme Court of the United States 1

Laws of New York, Sixteenth Session, ch. 5 (Dec. 18, 1792) 20

TABLE OF AUTHORITIES – Continued

Page

Laws of New York, Eighteenth Session, ch. 11 (March 3, 1795) 21

Laws of New York, Twentieth Session, ch. 62 (March 28, 1797) 21

Laws of New York, Twenty-Fourth Session, ch. 64 (March 24, 1801) 21

Laws of Pennsylvania, 9th Session, ch. CCXXI, Section 4 (Sept. 13, 1795) 18

Laws of Pennsylvania, 10th Session, ch. CCLI (March 3, 1786) 18

Laws of Pennsylvania, 10th Session, ch. CCCII, Section I (Sept. 27, 1786) 19

Laws of Pennsylvania, 17th Session, ch. CLXIII, Section II (April 10, 1793) 22

Laws of Pennsylvania, 18th Session, ch. CCL (April 22, 1794) 22

Laws of Pennsylvania, 18th Session, ch. CCLVI (April 22, 1794) 22

Laws of Pennsylvania, 24th Session, ch. CCLIII (March 7, 1800) 23

Laws of Pennsylvania, 24th Session, ch. CCLXIV (March 12, 1800) 22, 23

Laws of Pennsylvania, 25th Session, ch. CCCXXVI (Feb. 27, 1801) 23

Laws of Pennsylvania, 26th Session, ch. LXXIII (April 2, 1802) 23

1 Stat. 253, ch. 23 (1792) 20

2 Stat. 11, ch. 12, Section 7 (1800) 21

TABLE OF AUTHORITIES – Continued

Page

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Section 17 of the Pennsylvania Constitution of 1776 ..... *passim*

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TABLE OF AUTHORITIES – Continued

Page

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TABLE OF AUTHORITIES – Continued

Page

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TABLE OF AUTHORITIES – Continued

Page

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BRIEF OF APPELLEE FRENCHIE HENDERSON IN SUPPORT OF APPELLANT TRAVIS COUNTY, *et al.*

TO THE HONORABLE CHIEF JUSTICE AND ASSOCIATE JUSTICES OF THE SUPREME COURT OF THE UNITED STATES:

COMES NOW Frenchie Henderson, Appellee in the above captioned and numbered cause and, pursuant to Rules 18.2 and 24.2 of the Rules of the Supreme Court of the United States, files this Brief in Support of Appellant Travis County, *et al.*, and in this connection would respectfully show unto the Court as follows:

INTEREST OF APPELLEE HENDERSON

Appellee Frenchie Henderson (hereinafter "Appellee") is a registered voter and resident of Cherokee County, Texas; he was one of the three "Cherokee County Plaintiffs" who originally filed the suit out of which the Appellants' consolidated cases arise; and he was a plaintiff-party to the proceeding in the District Court below, whose judgment is being reviewed.[1] The Appellee's jurisdictional statement in *Henderson v. Perry*, No. 04-10649, remains pending before this Court, and presumably will remain pending until the final disposition of the consolidated cases upon which the Court has granted review.

The Appellee's purpose in submitting this brief is to present, in support of Appellant Travis County, *et al.* (hereinafter "Appellants"), historical research on the original intent of the Framers of the Federal Constitution

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[1] *Henderson v. Perry*, No. 2:03-CV-354 (E.D. Tex., June 9, 2005).

which he has acquired over the past two years in this litigation, and which Appellants may not be in a position to fully brief. The Appellee's arguments here, as below, avoid the "how much is too much" partisanship problem encountered by this Court in *Vieth v. Jubelirer*, 541 U.S. 267 (2004); and instead, Appellee's arguments, as they have since the filing of his case,[2] focus more directly on the distinct unconstitutionality of multiple intra-census congressional redistricting under the Elections Clause, which Appellee views to be fairly included in the Question Presented by Appellant Travis County.

CONSTITUTIONAL PROVISIONS INVOLVED

Section 17 of the Pennsylvania Constitution of 1776 provides in relevant part:

> "[A]s representation in proportion to the number of taxable inhabitants is the only principle which can at all times secure liberty, and make the voice of a majority of the people the laws of the land; therefore the general assembly shall cause complete lists of the taxable inhabitants in the city and each county in the commonwealth respectively, to be taken and returned to them . . . who shall appoint a representation to each, in proportion to the number of taxable inhabitants

[2] *See id., Plaintiffs' Response in Opp. To State's Motion to Dismiss*, 5 (November 17, 2003) (Doc. 64) ("there is an analytical difference between an Equal Protection claim that alleges the State has used *power that it does possess* in a unconstitutionally discriminatory way, and an Elections Clause claim that alleges the State *does not have constitutional power* to undertake certain actions in the absence of a legitimate governmental purpose.") (italics in original).

> in such returns; which representation shall continue for the next seven years afterwards at the end of which, a new return of the taxable inhabitants shall be made, and a representation agreeable thereto appointed by the said assembly, and so on septennially forever."

Article V of the New York Constitution of 1777 provides in relevant part:

> "[A]s soon after the expiration of seven years (subsequent to the termination of the present war) as may be[,] a census of the electors and inhabitants in this State [shall] be taken, under the direction of the legislature. And if, on such census, it shall appear that the number of representatives in assembly from the said counties is not justly proportioned to the number of electors in the said counties respectively, that the legislature do adjust and apportion the same by that rule. And further, that once in ever [sic] seven years, after the taking of the said first census, a just account of the electors resident in each county shall be taken, and if it shall thereupon appear that the number of electors in any county shall have increased or diminished one or more seventieth parts of the whole number of electors, which, on the said first census, shall be found in this State, the number of representatives for such county shall be increased or diminished accordingly, that is to say, one representative for every seventieth part as aforesaid."

Article XII of the New York Constitution of 1777 provides in relevant part:

> "[B]e it ordained, that a census shall be taken, as soon as may be after the expiration of seven years from the termination of the present war,